



REGULAR MEETING OF THE SAN MARCOS PLANNING AND ZONING COMMISSION

Tuesday, November 13, 2012, 6:00 p.m.

City Council Chambers
630 E. Hopkins Street

*Bill Taylor, Chair
Curtis Seebeck, Vice-Chair
Randy Bryan, Commissioner
Chris Wood, Commissioner
Travis Kelsey, Commissioner
Kenneth Ehlers, Commissioner
Carter Morris, Commissioner
Bucky Couch, Commissioner
Corey Carothers, Commissioner*

AGENDA

- 1. Call to Order.**
- 2. Roll Call.**
- 3. Chairperson's Opening Remarks.**
- 4. NOTE:** *The Planning & Zoning Commission may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The Planning and Zoning Commission may also publicly discuss any item listed on the agenda for Executive Session.*
- 5. 30 Minute Citizen Comment Period.**

CONSENT AGENDA:

- 6. Consider the approval of the minutes from the Regular Meeting on October 23, 2012.**

PUBLIC HEARING:

- 7. A-12-04 (Tuttle Lumber)** Hold a public hearing and consider a request by Don Gilbreath on behalf of Tuttle Lumber Company for the abandonment of an approximately .76 acre segment of S. Fredericksburg Street south of the intersection with Valley St.
- 8. A-12-05 (Blanco River Village)** Hold a public hearing and consider a request by Scott Bauer, on behalf of Bigelow San Marcos Development, L.L.C., to abandon a 445-foot by 50-foot portion of Rush Haven, a 533-foot by 50-foot portion of Morning Shadow, an 80-foot by 110-foot portion of Morning Shadow, and an 84-foot by 50-foot portion of Trestle Tree located within the Blanco River Village Subdivision.

9. **LUA-12-08 (142 & 148 W. Holland Street)** Hold a public hearing and consider a request by Kris Richter, on behalf of the Elvin Lee Anderson Estate, for a Land Use Amendment from Low Density Residential (LDR) to Medium Density Residential (MDR) for approximately 2.17 acres out of the Thomas J. Chambers Survey, Abstract No. 2, Tracts 6 and 7, located at 142 and 148 W. Holland Street.
10. **ZC-12-13 (142 & 148 W. Holland Street)** Hold a public hearing and consider a request by Kris Richter, on behalf of the Elvin Lee Anderson Estate, for a Zoning Change from Single-Family Residential (SF-6) to Townhouse Residential (TH) for approximately 2.17 acres out of the Thomas J. Chambers Survey, Abstract No. 2, Tracts 6 and 7, located at 142 and 148 W. Holland Street.
11. **PDD-09-01(a) (Retreat on Willow Creek)** Hold a public hearing and consider a request by Patrick Christensen, P.C., on behalf of Preferred Development Partners, for amendments to the existing Planned Development District for the Retreat on Willow Creek, consisting of 101.4 acres of land, more or less, out of the J.M. Veramendi Survey No. 1, Abstract No. 17, as originally approved by Ordinance No. 2009-81.
12. **PDD-12-02 (The Woodlands of San Marcos – Capes Camp)** Hold a public hearing and consider a request by ETR Development Consulting, L.L.C. on behalf of Dovetail Development, L.L.C., J.R. Thornton, et al, Clara L. Cape Testamentary Trust, Cape Family Ltd. Partnership, and RAM Consolidated Holdings, for a PDD overlay district, with a base zoning of Multifamily-12 (MF-12) for approximately 45 acres located on the east side of IH-35, south of River Road, west of Cape Road and north of the San Marcos River.
13. **ZC-12-05 (The Woodlands of San Marcos – Capes Camp)** Hold a public hearing and consider a request by ETR Development Consulting, L.L.C. on behalf of Dovetail Development, L.L.C., J.R. Thornton, et al, Clara L. Cape Testamentary Trust, Cape Family Ltd. Partnership, and RAM Consolidated Holdings, for a Zoning Change from Future Development (FD) to Multiple-Family Residential (MF-12) for approximately 22.51 acres out of the J.M. Veramendi Survey No. 2, Abstract No. 17, located along River Road.
14. **ZC-12-06 (The Woodlands of San Marcos –Capes Camp)** Hold a public hearing and consider a request by ETR Development Consulting, L.L.C. on behalf of Dovetail Development, L.L.C., J.R. Thornton, et al, Clara L. Cape Testamentary Trust, Cape Family Ltd. Partnership, and RAM Consolidated Holdings, for a Zoning Change from Community Commercial (CC) to Multiple-Family Residential (MF-12) for approximately 0.651 acres out of the J.M. Veramendi Survey No. 2, Abstract No. 17, located along the frontage road of IH-35.
15. **ZC-12-11 (The Woodlands of San Marcos – Capes Camp)** Hold a public hearing and consider a request by ETR Development Consulting, L.L.C. on behalf of Dovetail Development, L.L.C., J.R. Thornton, et al, Clara L. Cape Testamentary Trust, Cape Family Ltd. Partnership, and RAM Consolidated Holdings, for a Zoning Change from Future Development (FD) to Multiple-Family Residential (MF-12) for approximately 5.64 acres out of the J.M. Veramendi Survey No. 2, Abstract No. 17, located at the intersection of River Road and Cape Road.
16. **LUA-12-04 (The Woodlands of San Marcos – Capes Camp)** Hold a public hearing and consider a request by ETR Development Consulting, L.L.C. on behalf of Dovetail Development, L.L.C., J.R. Thornton, et al, Clara L. Cape Testamentary Trust, Cape Family Ltd. Partnership, and RAM Consolidated Holdings, for a Land Use Amendment from Commercial (C) to Medium Density Residential (MDR) for approximately 4.2 acres out of the J.M. Veramendi Survey No. 2, Abstract No. 17, located at River Road and the frontage road of IH-35.
17. **LUA-12-06 (The Woodland of San Marcos – Capes Camp)** Hold a public hearing and consider a request by ETR Development Consulting, L.L.C. on behalf of Dovetail Development, L.L.C., J.R. Thornton, et al, Clara L. Cape Testamentary Trust, Cape Family Ltd. Partnership, and RAM Consolidated Holdings, for a Land Use Amendment from Very Low Density Residential (VLDR) to Medium Density Residential (MDR) for approximately 5.64 acres out of the J.M. Veramendi Survey No. 2, Abstract No. 17, located at the intersection of River Road and Cape Road.

NON CONSENT:

18. Discussion regarding Comprehensive Plan and consider recommendation of approval to City Council of Goals and proposed by the Citizens Advisory Committee.

19. Development Services Report

- a) Update from staff on the Comprehensive Plan
- b) Board & Commission Term Expirations

20. Question and Answer Session with Press and Public. *This is an opportunity for the Press and Public to ask questions related to items on this agenda.*

21. Adjourn.

Notice of Assistance at the Public Meetings: The San Marcos City Hall is wheelchair accessible. The entry ramp is located in the front of the building. Accessible parking spaces are also available in that area. Sign interpretative for meetings must be made 48 hours in advance of the meeting. Call the City Clerk's Office at 512-393-8090.

**MINUTES OF THE REGULAR MEETING OF THE
SAN MARCOS PLANNING AND ZONING COMMISSION
COUNCIL CHAMBERS, CITY HALL
October 23, 2012**

1. Present

Commissioners:

Curtis Seebeck, Vice Chair
Chris Wood
Corey Carothers
Carter Morris
Travis Kelsey
Kenneth Ehlers
Bucky Couch
Randy Bryan

City Staff:

Matthew Lewis, Development Services Director
Kristy Stark, Development Services
Sam Aguierre, Assistant City Attorney
Francis Serna, Recording Secretary
Alison Brake, Planner
Emily Koller, Planning Tech

2. Call to Order and a Quorum is Present.

With a quorum present, the Regular Meeting of the San Marcos Planning & Zoning Commission was called to order by Vice Chair Seebeck at 6:00 p.m. on Tuesday October 23, 2012, in the Council Chambers, City Hall, City of San Marcos, 630 E. Hopkins, San Marcos, Texas 78666.

3. Chairperson's Opening Remarks.

Vice Chair Seebeck welcomed the audience and viewers.

4. NOTE: *The Planning & Zoning Commission may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The Planning and Zoning Commission may also publicly discuss any item listed on the agenda for Executive Session.*

5. 30 Minute Citizen Comment Period

There were no citizen comments.

Consent Agenda:

6. Consider the approval of the minutes from the Regular Meeting on October 9, 2012.

MOTION: Upon a motion made by Commissioner Morris and a second by Commissioner Kelsey, the Commission voted all in favor to approve the consent agenda. The motion carried unanimously.

Item 11 was moved after item 6.

11. Discussion regarding the Restricted Conditional Use Permit for the Vault at 100 W. Hopkins Street.

The Commissioners heard an update from the Vault regarding the closing of Fresh Cubed. Mike Keyser gave a brief presentation and explained plans to continue to sell food in order to be in compliance with the Conditional Use Permit.

Public Hearings:

Item 8, 9 and 12 were moved after item 11.

8. CUP-12-38 (Gumby's Pizza & Wings) Hold a public hearing and consider a request by John Higdon, on behalf of Gumby's Pizza & Wings, for the renewal of the existing Conditional Use Permit to allow the continued sale of beer and wine for on-premise consumption at 403-A N. Guadalupe Street.

Vice Chair Seebeck opened the public hearing. There were no citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Kelsey and a second by Commissioner Ehlers, the Commission voted all in favor to approve CUP-12-38 with the condition that the CUP be valid for three (3) years, provided standards are met, subject to the point system. The motion carried unanimously.

9. CUP-12-39 (Garcia's Mexican Food Restaurant) Hold a public hearing and consider a request by Juan Ybarra, on behalf of Garcia's Mexican Food Restaurant, for the renewal of the existing Conditional Use Permit to allow the continued sale of beer and wine for on-premise consumption at 1917 Dutton Drive.

Vice Chair Seebeck opened the public hearing. There were no citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Ehlers and a second by Commissioner Morris, the Commission voted all in favor to approve CUP-12-39 with the condition that the CUP be valid for three (3) years, provided standards are met, subject to the point system. The motion carried unanimously.

Non Consent Agenda:

12. Development Services Report

- a. Update from staff on Comprehensive Plan

Matthew Lewis gave an update of future meetings and the Comprehensive Plan Process

The meeting continued with the Public Hearing items.

7. CUP-12-37 (Concho Commons) Hold a public hearing and consider a request by Casey Development, on behalf of W.C. Carson – Carson Diversified Properties LP, for a SmartCode Warrant to allow additional height beyond the 5-story limit for a proposed 13-story building in a SmartCode-T5 Zoning District at 101 Concho Street.

Ed Theriot, ETR Development Consulting, representing the applicant gave a brief presentation. Dan Alexander, Principal Architect with Jacobs Architectural Engineering Firm in Austin Texas also gave a brief presentation.

Vice Chair Seebeck opened the public hearing. John Meeks, 103 W Laurel Lane, said he serve as a, Managing Partner Release Limited. He explained that one of the properties they own is the Nelson Shopping Center and due to the proximity of the shopping center they received notice of the request. Mr. Meeks spoke in support of the request. He said they feel that the increase in height and the off street parking per the SmartCode will provide an opportunity to provide housing close to campus and additional parking to the

central business district. Mr. Meeks said they also applaud the urban renewal nature of the property on a piece of property that has remained vacant for several years. He added that parking for commuting student presents a challenge. He explained that the reduction of parking at the University imposes on the private businesses in Central Business District. He pointed out that the businesses carry of burden to protect parking in front of their businesses. Mr. Meeks said they applaud Mr. Casey for the risk of constructing a dormitory structure which unlike the University provides parking for the tenants as well as relieve the parking pressure of all in the Central Business District experience every day.

There were no additional citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Morris and a second by Commissioner Wood, the Commission voted eight (8) for and none (0) against to approve CUP-12-37. The motion carried unanimously.

There was a ten minute recess.

10. PDD-09-01(a) (Retreat on Willow Creek) Hold a public hearing and discuss amendments to the existing Planned Development District for the Retreat on Willow Creek, consisting of 101.4 acres of land, more or less, out of the J.M. Veramendi Survey No. 1, Abstract No. 17, as originally approved by Ordinance No. 2009-81.

Vice Chair Sebeck opened the public hearing. Patrick Christensen, 1800 W. Commerce, San Antonio, TX representing the developer stated he preferred to speak after the public hearing so that he could address their concerns.

Beverly McClintock, 108 Howard Place, which is located in the County, said she lives on other side of fence of Area 2 of The Retreat at Willow Creek. She asked the Commission for consideration of impacts to the rural nature of their neighborhood. Ms. McClintock explained that her house is not large but sits on a 1.25 acre tract in which her house sets back 100'. She added that they have enjoyed privacy, quiet, wildlife and dark skies for many years. She said she knew that things would change but asked that the impacts not be so severe. Ms. McClintock suggested a 75' vegetated buffer between the development and the county neighborhood to help preserve the more rural nature of their homes. She also suggested larger lots, larger building setbacks, and stricter height restrictions on lots adjacent to their neighborhood. Ms. McClintock asked for consideration for anything that would alleviate the impact of noise, light and habitat loss that will occur with a dense small lot development that the development will have on the immediately adjacent rural neighborhood in the County.

Erin Leavitt, 817 Willow Creek Circle, stated the development is directly on the other side of her fence. She explained that she purchased her house 3 months ago because of the beauty and rural atmosphere of the neighborhood. Ms. Leavitt said that currently there is a wall of solid 30' trees and when the trees are removed there will be 2-3 story houses which will affect property values. She suggested that they compromise with a buffer of trees along the back of their properties with good size acreage. Ms. Leavitt asked that wildlife be protected and that they keep their property value up. She suggested that the neighbors meet with the developers and come up with a compromise.

Pat Heim, 2240 Garden Court, said she has multiple concerns. She pointed out that her main concern is water control. Ms. Heim explained that the water was designed to drain onto the property of the new development. She mentioned that when it rains, the property is like a floodplain. Ms. Heim said she is also concerned that there is no buffer zone between the properties. She felt that the request needs more consideration and people need to know what is going on in the area.

Joey Martin, 2248 Garden Court, said he was representing many of the neighbors concerns. He explained that when they purchased their homes, they bought them knowing when they walk out back they would have a beautiful view. He said now the view is going to be someone's house or a road. Mr. Martin pointed out that they are concerned with the runoff, the shade the trees provide, home sale value, privacy, noise level, and very concerned about the increased traffic. Mr. Martin stated that they hope that they some green space is required to deal with their concerns. He said they wish that the Commission will represent the concerns of the people that are currently residing and the new residents. Mr. Martin said they are not against development. He felt that the development can happen but still maintain the quality of their living and their property value.

Nancy McClintock said she does not live in the area but is present in support of mother and some day to live in her house. She said she was happy to know that The City of San Marcos does address residential compatibility standards in the Code. Ms. McClintock asked for clarification if the provision is applicable to the current proposed development. She also inquired on when does the provision come in to play and when does the neighborhood get involved. Ms. McClintock noted that there has been no discussion with the neighbors and the developers. She added that on behalf of her mother she would like to request that discussion and commitment to provide compatibility to occur before the approval of amendment and that they should be placed as provisions to the amendment. Ms. McClintock mentioned that a fence will not provide compatibility between properties or prevent the property value loss that will occur without a meaningful transition.

Roland Guerrero, 312 Laurel Hill, pointed out there will be two entrances adjacent to two schools. He said that the entrances are already backed up and kids can't walk. Mr. Guerrero stated he is concerned for the safety of the children. He asked the Commission to consider the access and the improvements that are needed to provide our kids with a safe access to and from school. In addition, Mr. Guerrero asked the Commission to consider the wildlife. He said that his neighborhood is in the county and they are allowed to burn brush. Mr. Guerrero commented that the City Fire Department does not know that because every time he burns his brush the Fire Department is around his neighborhood looking for the smoke. He said people living in the county are allowed to do certain things that people living in the city are not. Mr. Guerrero stated that they were not consulted by the developer and allow them to work together to maintain all the elements.

Patrick Christensen, 1800 W. Commerce, San Antonio, Texas stated that he represents the owners of the property, Preferred Development Partners. He pointed out that two KB Homes Representatives were available to answer questions. Mr. Christensen gave a brief explanation of the original request in which he did not represent the owners. In prior negotiations with a more intense development they would develop a 205' buffer around the perimeter of the existing houses. Mr. Christensen added that in negotiations with the City they have agreed to numerous design guidelines above and beyond what the SF-6 requirements. He explained that they asked that the 205' buffer be removed because he felt that the property cannot be developed as a single family subdivision with the buffer. He pointed out that KB Homes is proposing a 25' buffer for area 1 and have not discussed a buffer for area 2. He mentioned that the parkland has changed and the developer is proposing parking and funds for the trail. He said he takes responsibility if someone in the neighborhood was not contacted. Mr. Christensen said he made a presentation to the Willow Creek Neighborhood Association and the Gardens at Willow Creek back in May. He added that in regards to saving trees, single family development saves the most trees. He said trees add value to a single family residence. He pointed out that they will consider a 6' foot fence adjacent to the neighborhood as requested. Mr. Christensen asked the Commission for their support.

There were no additional citizen comments and the public hearing was closed.

13. Question and Answer Session with Press and Public. *This is an opportunity for the Press and Public to ask questions related to items on this agenda.*

There were no questions from the press and public.

14. Adjourn.

Vice Chair Seebeck adjourned the Planning and Zoning Commission at 8:00 p.m. on Tuesday, October 23, 2012.

Curtis Seebeck, Vice Chair

Travis Kelsey, Commissioner

Corey Carothers, Commissioner

Kenneth Ehlers, Commissioner

Carter Morris, Commissioner

Chris Wood, Commissioner

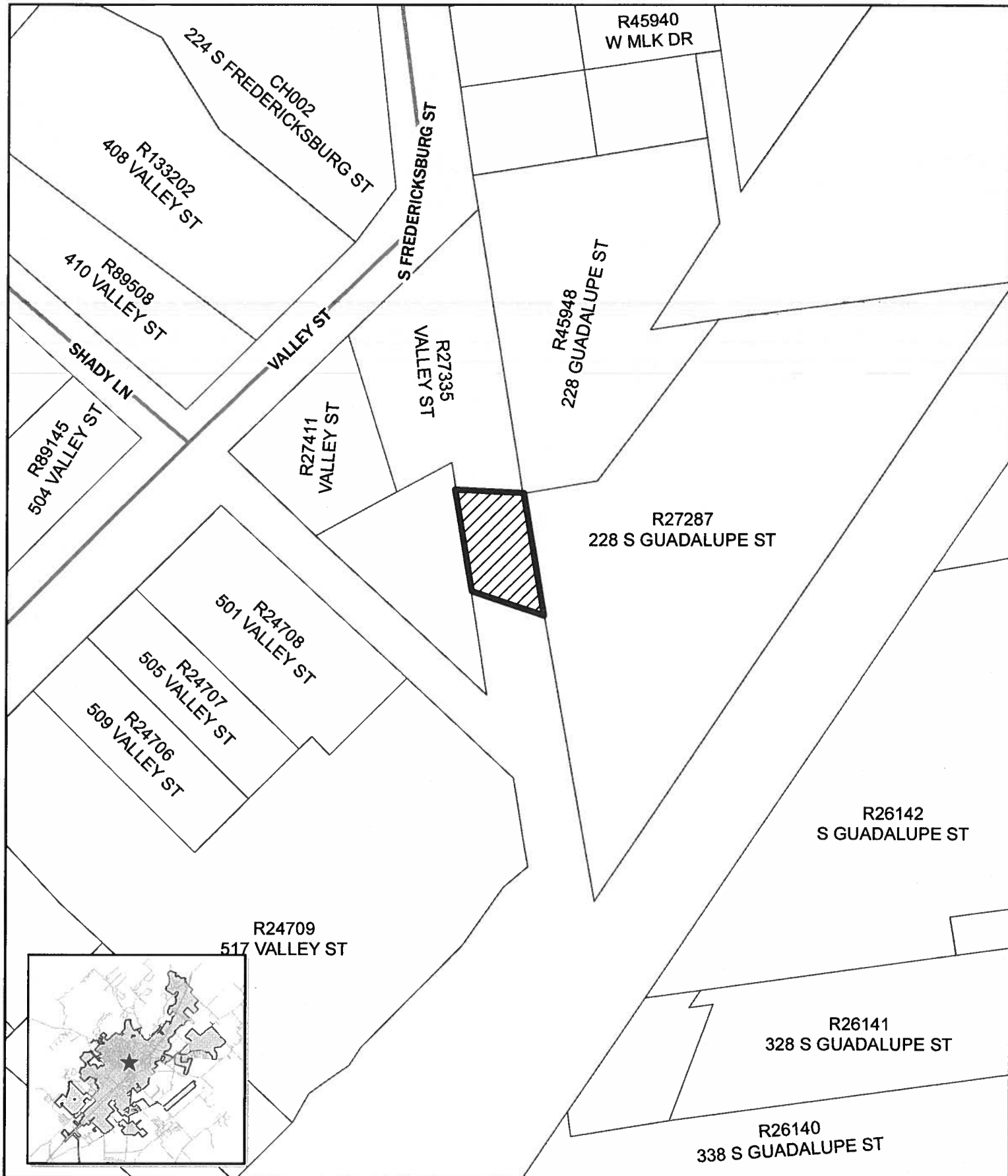
Bucky Couch, Commissioner

Randy Bryan, Commission

ATTEST:

Francis Serna, Recording Secretary

DRAFT



A-12-04

Tuttle Lumber

228 S Guadalupe St

Date: 11/6/2012

●  Site Location

0 50 100 200
Feet



● This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

A-12-04

Abandonment

S. Fredericksburg St.

Tuttle Lumber



Summary: Abandonment of an approximately .076 acre portion of S. Fredericksburg St. south of the intersection with Valley St.

Applicant: Tuttle Lumber Company, Ltd
PO Box 2210
San Marcos TX 78667

Property Owners: Don Gilbreath

Notification: Personal notifications of the public hearing were mailed on Thursday, November 1st. No response received as of this report

Property/Area Profile:

Location: An unopened portion of S. Fredericksburg St. south of the intersection with Valley St.

Size: Approximately 0.76 acres

Existing Utilities: None

Existing Use of Property: Storage/drainage outfall

Comments from other Departments:

Engineering stated a drainage easement would be required.

Background Information:

The applicant states that the abandonment is necessary to correct an oversight in a 2003 yard expansion project. A portion of Fredericksburg was abandoned and acquired by Tuttle in 1995, but the subject property in this case was not part of that abandonment. In 2003, a plan was approved allowing Tuttle to expand over the entire section of Fredericksburg, including the unabandoned portion. The subject property has functioned as part of Tuttle Lumber since 2003.

Planning Department Analysis

The San Marcos City Code indicates four (4) standards that must be met when considering the abandonment of a street or alley. The following analysis addresses the standards that must be met from the code:

Evaluation		Abandonment Standards (Section 74.087 of the San Marcos City Code)
Consistent	Inconsistent	
X		<p>Street and alleys will be abandoned only in whole segments, except that a portion of a dead-end street or alley may be abandoned if the abandonment does not cause a part of the street or alley to become landlocked.</p> <p>This is the final portion of Fredericksburg. The segment to the north was abandoned in 1995, leaving this isolated section.</p>
X		<p>A street or alley abandonment will not be approved if it causes substantial interference with access to any tract or parcel of property.</p> <p>The abandonment will not interfere with access to any property because it is not contiguous to the rest of Fredericksburg, it accesses only the Tuttle property, and would require a rail crossing to continue to the south.</p>
X		<p>A street or alley containing public utility facilities will be abandoned only if the facilities are relocated out of the street or alley or if a public utility easement is recorded covering the area occupied by the facilities. Unless otherwise agreed by the owners of the utilities, the cost of relocating the facilities or preparing survey descriptions for easements will be borne by the owners of the property abutting the segment to be abandoned.</p> <p>There are no existing utilities in the right-of-way proposed for abandonment.</p>
X		<p>A street or alley abandonment will be approved only if the street or alley is not needed for future road or utility improvements.</p> <p>This portion of Fredericksburg is not needed for future road or utility improvements.</p>

Staff recommends approval with the following condition:

- The abandoned portion of Fredericksburg be dedicated as a drainage easement.

Planning Department Recommendation:		
<input type="checkbox"/>		Approve as submitted
<input checked="" type="checkbox"/>		Approve with conditions or revisions as noted
<input type="checkbox"/>		Alternative
<input type="checkbox"/>		Denial

The Commission's Responsibility:

The Commission is required by law to hold a public hearing and receive public comment regarding the proposed street or alley abandonment. After considering the public input, the Commission is charged with making an advisory recommendation to the City Council regarding the abandonment requesting. The City Council will ultimately decide whether to approve or deny this request, and will do so as follows.

- City Council reviews the recommendation for the Planning and Zoning Commission and provides direction to staff on whether the abandonment is acceptable subject to the obtaining of an appraisal.
- An appraisal for the area to be abandoned will be obtained.
- City Council will hold a public hearing and vote on the adoption of an ordinance approving the abandonment and the conveyance of the street for the appraised value.
- The City Council will consider the ordinance as required by the City Charter.

The Commission's advisory recommendation to the Council is a discretionary decision. Your recommendation should be based on the standards listed in Section 74.087 of the San Marcos City Code.

Prepared by:

John Foreman

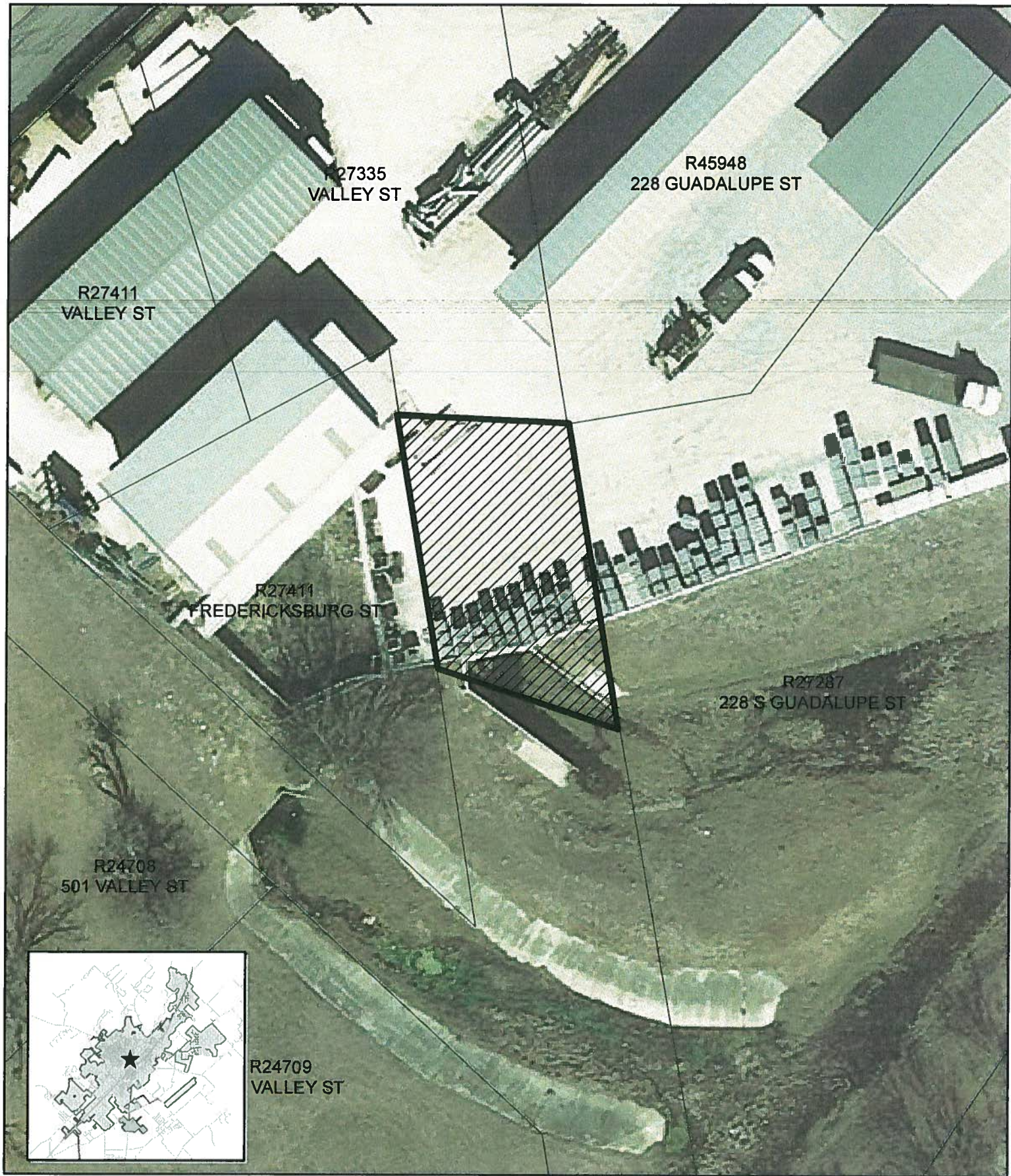
Planning Manager

November 6, 2012

Name

Title

Date



A-12-04

Tuttle Lumber

228 S Guadalupe St

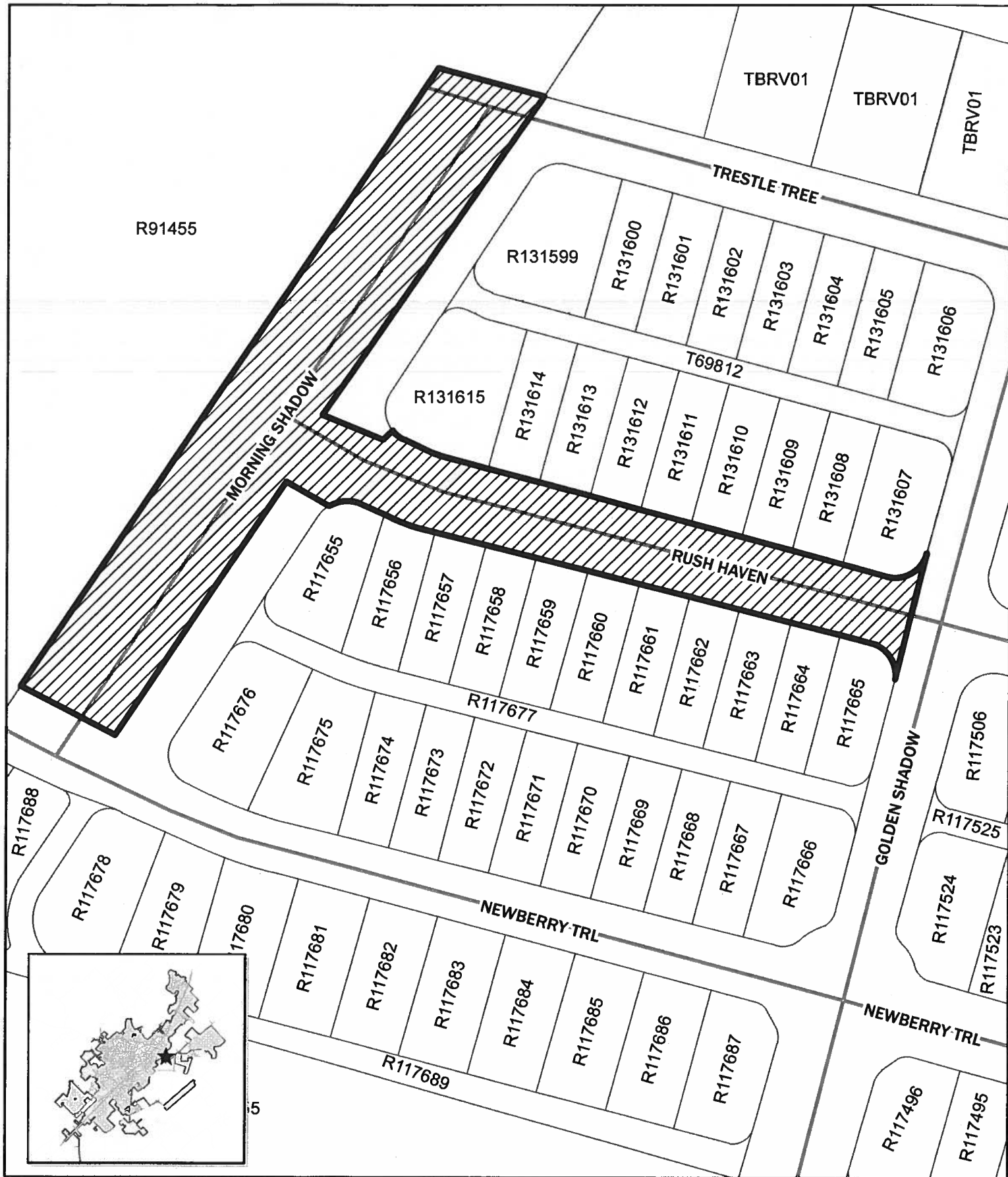
Date: 11/6/2012

●  Site Location

0 15 30 60
Feet



● This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



A-12-05

Blanco Vista

Date: 10/31/2012



Site Location

0 50 100 200
Feet



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

A-12-05 Abandonment Portions of Rush Haven, Morning Shadow and Trestle Tree



Summary:

Abandonment of a 445-foot portion of Rush Haven between Golden Shadow and Morning Shadow with a 50-foot right-of-way; a 533-foot portion of Morning Shadow with a 50-foot right-of-way; an 80-foot portion of Morning Shadow with a 110-foot right-of-way; and, an 84-foot portion of Trestle Tree with a 50-foot right-of-way.

Applicant:

Scott Bauer
Bigelow San Marcos Development LLC
P.O. Box 848
San Marcos, TX 78667

Property Owners:

Bigelow San Marcos Development LLC
PO Box 848
San Marcos, TX 78667

Etheredge Development San Marcos LP

By: Blanco River Village GP LLC
P.O. Box 5654
Austin, TX 78763

Notification:

Personal notifications of the public hearing were mailed on Thursday, November 1, 2012.

Property/Area Profile:

Location:

Undeveloped portions of right-of-way within an undeveloped section of the Blanco River Village subdivision: Rush Haven between Golden Shadow and Morning Shadow, Morning Shadow between Newberry Trail and Trestle Tree, and Trestle Tree adjacent to Morning Shadow.

Size:

Approximately 1.62 acres

Existing Utilities:

An as-built plan, provided by the applicant, shows that there is a wastewater line and a stormwater line within the portion of Rush Haven proposed for abandonment. The as-built plan also shows a wastewater line within the portion of Trestle Tree that is proposed for abandonment. A public utility easement for each abandoned segment will be required to be dedicated at the time of replatting the property.

Existing Use of Property:

Undeveloped right-of-way. The portion of Rush Haven proposed for abandonment will become a linear green space that the developer, Bigelow Homes, will front courtyard-style homes on. The portions of Morning Shadow and Trestle Tree proposed for abandonment encourages the extension of this greenway to the portion of the subdivision that was dedicated to the City as parkland.

Background Information:

The applicant is proposing a new housing product, a courtyard-style home, within the Blanco River Village Subdivision located off State Highway 21. This style of home will be found in Blocks I and J, Section 1, of the subdivision. The homes will face each other with a linear park between them rather than facing a street. The portion of Rush Haven the applicant is requesting to abandon will become the central green that these new homes would front.

The Planning and Zoning Commission approved the amendment to the Planned Development District allowing a 20-foot wide street section to enable inclusion within the district of this courtyard housing type on September 25, 2012 after holding a public hearing on September 11, 2012. The City Council approved the amendment to the PDD on October 16, 2012. The amendment was not reconsidered and approved at City Council on November 7, 2012.

Planning Department Analysis

This is the second step in a process that will introduce the new housing type to the Blanco River Village Subdivision. First, the applicant amended the PDD to allow both the housing type and re-configuration of the streets to accommodate one-way traffic. Second, the applicant must abandon the existing platted right-of-way. The last step will be to replat the section to establish the linear park and the new smaller right-of-ways to allow access along one-way streets for the homes facing the green. The Planning Department has found the proposal supports goals of the Horizons Master Plan and Sector plans for a variety of housing products and believes the abandonment request meets the standards set forth in the LDC.

The portions of Rush Haven, Morning Shadow, and Trestle Tree proposed to be abandoned are not used for transportation. They are undeveloped segments of right-of-way within the Blanco River Village subdivision. Morning Shadow is being abandoned in two segments and will allow for parking for the parkland that was dedicated with the original plat and the PDD. The surrounding properties are vacant but the developer has plans to build courtyard-style homes within Blocks I and J, Section 1 within the subdivision. The developer is the owner of the lots within these two blocks and has consent from the adjoining property owner to abandon the portions of Morning Shadow and Trestle Tree.

The San Marcos City Code indicates four (4) standards that must be met when considering the abandonment of a street or alley. The following analysis addresses the standards that must be met from the code:

Evaluation		Abandonment Standards (Section 74.087 of the San Marcos City Code)
Consistent	Inconsistent	
X		Street and alleys will be abandoned only in whole segments, except that a portion of a dead-end street or alley may be abandoned if the abandonment does not cause a part of the street or alley to become landlocked. The portions of Rush Haven, Morning Shadow and Trestle Tree being abandoned are in whole segments.
X		A street or alley abandonment will not be approved if it causes substantial interference with access to any tract or parcel of property. The proposed abandonment of the portions mentioned above will not cause substantial interference with access to other tracts or parcels within the subdivision. Residents of the courtyard homes will still be able to access Trestle

Evaluation		Abandonment Standards (Section 74.087 of the San Marcos City Code)
Consistent	Inconsistent	
		Tree and Newberry Trail via the portion of Morning Shadow not proposed for abandonment. The Fire Department has reviewed this request for safety concerns and is in favor of the abandonment. Fire safety is addressed as a dry line and stand pipes.
X		<p>A street or alley containing public utility facilities will be abandoned only if the facilities are relocated out of the street or alley or if a public utility easement is recorded covering the area occupied by the facilities. Unless otherwise agreed by the owners of the utilities, the cost of relocating the facilities or preparing survey descriptions for easements will be borne by the owners of the property abutting the segment to be abandoned.</p> <p>A public utility easement will be necessary at the time of replatting the property to account for the existing utilities.</p>
X		<p>A street or alley abandonment will be approved only if the street or alley is not needed for future road or utility improvements.</p> <p>The portions of rights-of-way proposed to be abandoned will not be needed for future road or utility improvements.</p>

Staff recommends approval with the following conditions:

1. **A public utility easement be dedicated for the entire abandoned portion of Rush Haven at the time of replatting the property.**
2. **A public utility easement be dedicated for the abandoned portion of Trestle Tree at the time of replatting the property.**

Planning Department Recommendation:		
<input type="checkbox"/>		Approve as submitted
<input checked="" type="checkbox"/>		Approve with conditions or revisions as noted
<input type="checkbox"/>		Alternative
<input type="checkbox"/>		Denial

The Commission's Responsibility:

The Commission is required by law to hold a public hearing and receive public comment regarding the proposed street or alley abandonment. After considering the public input, the Commission is charged with making an advisory recommendation to the City Council regarding the abandonment requesting. The City Council will ultimately decide whether to approve or deny this request, and will do so as follows.

- City Council reviews the recommendation for the Planning and Zoning Commission and provides direction to staff on whether the abandonment is acceptable subject to the obtaining of an appraisal.
- An appraisal for the area to be abandoned will be obtained.
- City Council will hold a public hearing and vote on the adoption of an ordinance approving the abandonment and the conveyance of the street for the appraised value.
- The City Council will consider the ordinance a total of 3 times as required by the City Charter.

The Commission's advisory recommendation to the Council is a discretionary decision. Your recommendation should be based on the standards listed in Section 74.087 of the San Marcos City Code.

Prepared by:

Alison Brake

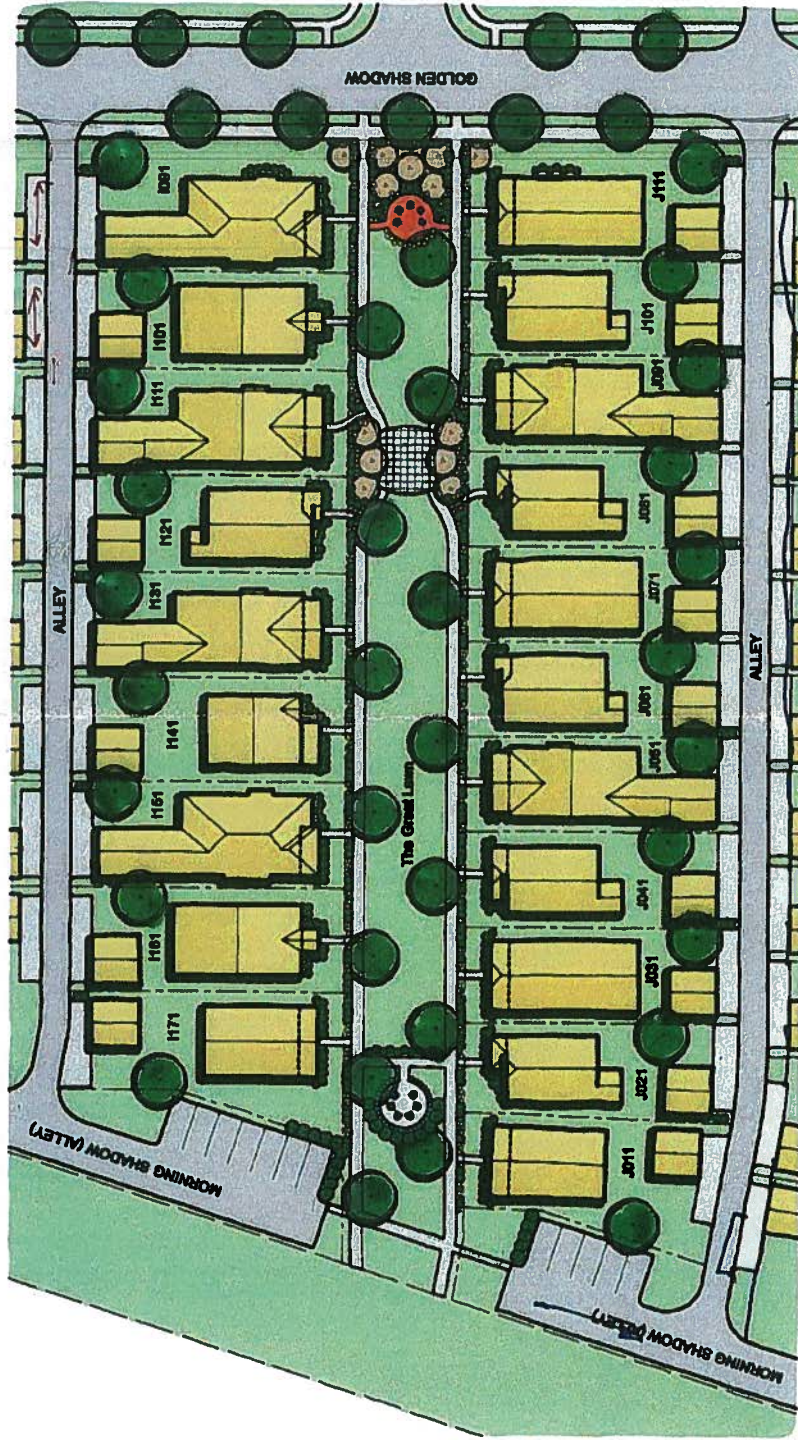
Planner

November 5, 2012

Name

Title

Date

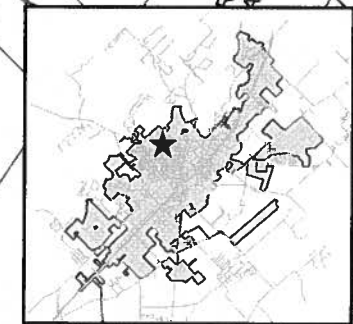


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06-10-12 Exhibit

Blanco River Village - Rush Haven Greenway

Bigelow Development, LLC
 833 S. Second St. Suite 200
 Aurora, IL 60009



ZC-12-13
LUA-12-08
142/148 Holland St
Date: 10/31/2012



200 ft Buffer



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

LUA-12-08

Land Use Map Amendment

142 & 148 W. Holland Street



Summary:

The applicant is requesting a Land Use Map Amendment from Low Density Residential (LDR) to Medium Density Residential (MDR)

Applicant:

Kris Richter
27934 Copper Crest
San Antonio, TX 78260

Property Owners:

Elvin Lee Anderson Estate
c/o Evelyn J. George
11910 Briar Path Street
San Antonio, TX 78249

Notification:

Personal notice sent and signs posted on November 1, 2012

Response:

No response as of November 8, 2012.

Subject Property:

Location:

142 & 148 W. Holland Street

Legal Description:

2.17 acres out of the Thomas J. Chambers Survey, Abstract No. 2, Tracts 6 and 7

Sector:

Sector Three

Current Zoning:

Single Family (SF-6)

Proposed Zoning:

Townhouse (TH)

Current Future Land Use Map Designation:

Low Density Residential (LDR)

Proposed Future Land Use Map Designation:

Medium Density Residential (MDR)

Surrounding Area:

	Zoning	Existing Land Use	Future Land Use
N of Property	TH	Townhouse residential	Medium Density Residential
S of Property	SF-6	Single family residential	Low Density Residential
E of Property	P	Church	Public & Institutional
W of Property	SF-6	Single family residential	Low Density Residential

Case Summary: Proposed Land Use Map Amendment from Low Density Residential to Medium Density Residential

The subject site consists of two unplatted parcels out of the Thomas J. Chambers Survey which measure approximately 2.17 acres. There is one occupied home located at 142 W. Holland Street. According to the applicant, this home serves as a rental property and there is a large accessory structure on-site that may have been used for agricultural purposes. A vacant dwelling, which the applicant states is not repairable, is located at 148 W. Holland Street. Surrounding uses are predominantly single-family residential and the property located immediately north of the subject site is zoned Townhouse Residential. There is one property, the corner of Alamo Street and W. Holland Street, that is zoned Neighborhood Commercial on which a small Mexican food restaurant is located.

The applicant is proposing to construct cottage-style townhomes on the subject site. Attachment "A" shows a picture of a similar style townhouse development. With the property being 2.17 acres in size, the maximum number of units allowed under the proposed TH zoning district is 26 units. Prior to the building permit being issued, the property will have to be platted.

This request is proceeding concurrently with a zoning change from Single-Family Residential (SF-6) to Townhouse Residential (TH).

Planning Department Analysis:

Medium Density Residential land use designation may include a variety of residential types as long as the overall density within a specific development or area is between six and twelve dwelling units per acre. It may accommodate several zoning categories, including:

- Single Family District, min. 4,500 square foot lots (SF-4.5)
- Duplex Restricted District (DR)
- Townhouse Residential (TH)
- Patio Home, Zero-Lot Line Residential District (PH-ZL)
- Multiple-Family Residential District (MF-12)
- Manufactured Home District (MH)

Incorporating the subject site as Medium Density Residential is not an incompatible land use in this area as the subject site sits adjacent to property that is designated as Medium Density Residential. There are townhouses located on that property. The use of townhomes in the area offers another housing type option that is not very prevalent in the City. The subject property is located along West Holland Street which is designated as a residential collector on the City's Thoroughfare Plan in this area of the City. Collectors serve to collect and distribute traffic between arterials and local streets. West Holland Street distributes traffic between N. LBJ Drive and Old Ranch Road 12.

Staff has evaluated the request for consistency with the Horizons Master Plan and the Sector Three Plan.

Consistent	Neutral	Inconsistent	Horizons Master Plan Policy Statement
X			Policy LU-1-1: The City shall ensure that all land use decisions are in accordance with the vision statement, goals, and policies in the Future Land Use Plan and other elements of the Master Plan. <i>Comment: The subject property's proposed land use designation of Medium Density Residential is in keeping with surrounding properties.</i>
X			Policy LU-1.21: The City shall encourage new development to locate in areas already served by utilities and other community facilities. <i>Comment: The property is adequately served by City facilities, including wastewater, water and electric.</i>

Consistent	Neutral	Inconsistent	Horizons Master Plan Policy Statement
X			Policy LU-3.2: The City shall provide safe and adequate housing opportunities to meet the different housing needs of all income groups of the City's present and future populations. <i>Comment: The proposed change will provide the opportunity for additional, new housing.</i>
X			Policy LU-4.1: The City shall determine the need for multifamily dwelling units and shall ensure that the location of these units is compatible with adjacent land uses and is properly buffered and adequately served by roads and public utilities. <i>Comment: The property is adequately served by public utilities and the property to the north is designated as Medium Density Residential. The land use amendment request is in keeping with the character.</i>
X			Policy LU-4.4: The City shall require medium and high density residential developments be located on larger sites to allow for proper buffering, adequate parking and landscaping, and enough flexibility in design and layout to insure adequate development. <i>Comment: The property is 2.17 acres in size and is adequate to support a maximum of 26 units on the site.</i>

The Sector 3 Plan contains goals such as walkable neighborhoods, interconnected streets, and a variety of housing types. The request is consistent with these general goals. Holland Street was reconstructed to include the addition of bicycle lanes, sidewalks, and traffic calming measures, speed bumps. Proposed changes to a higher density can be considered on a case-by case basis and should be reviewed based on the surrounding uses and potential impacts to the surrounding neighborhood, including noise, traffic, etc. This proposal is consistent with the surrounding neighborhood and because of its size will have minimal impacts.

Staff finds that the request is generally consistent with policies in the Horizons Master Plan and the Sector Three Plan and recommends approval.

Planning Department Recommendation:		
<input checked="" type="checkbox"/>		Approve as submitted
<input type="checkbox"/>		Approve with conditions or revisions as noted
<input type="checkbox"/>		Alternative
<input type="checkbox"/>		Denial

Prepared by:

Alison Brake

Planner

October 30, 2012

Name

Title

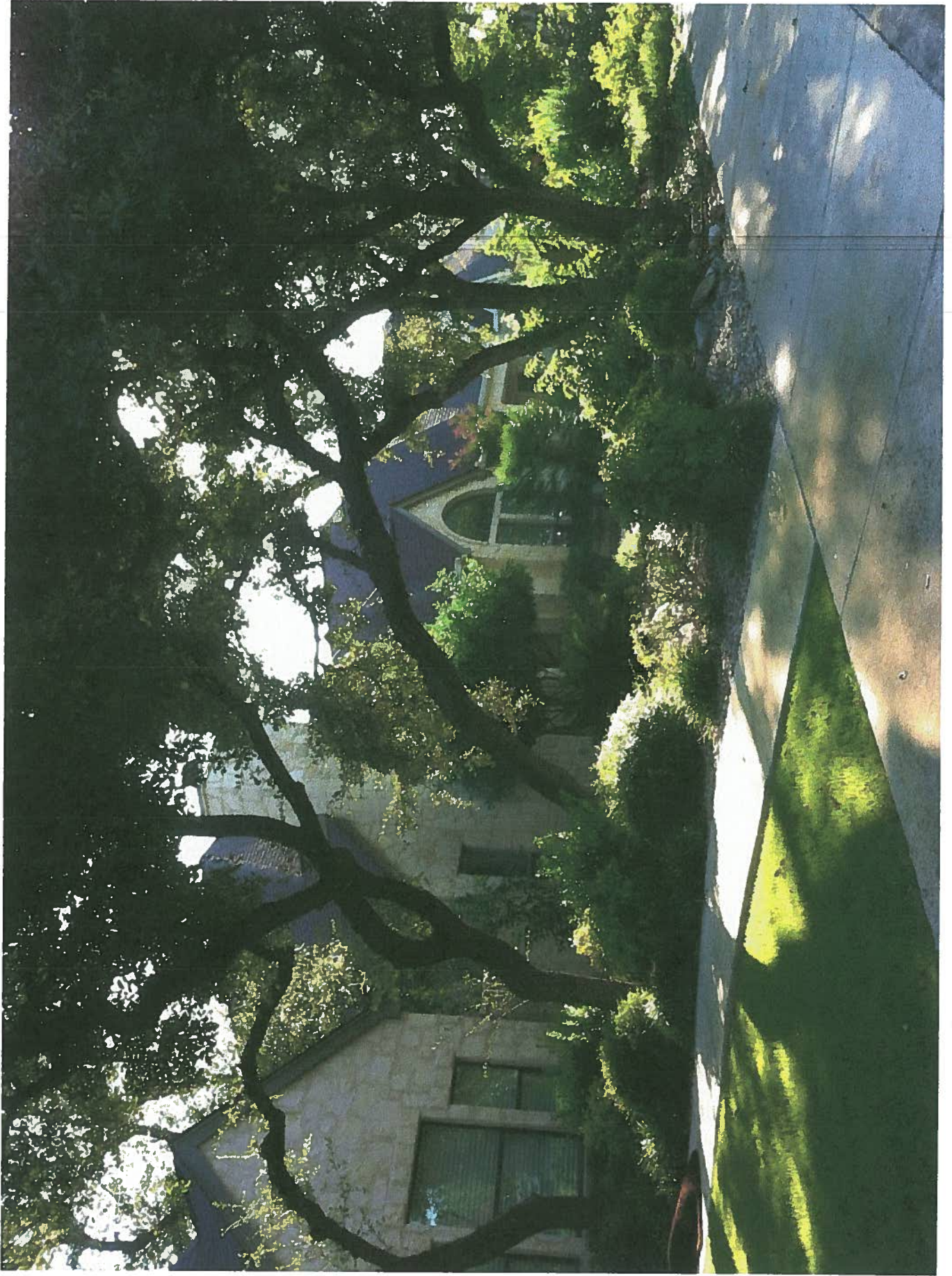
Date

The Commission's Responsibility:

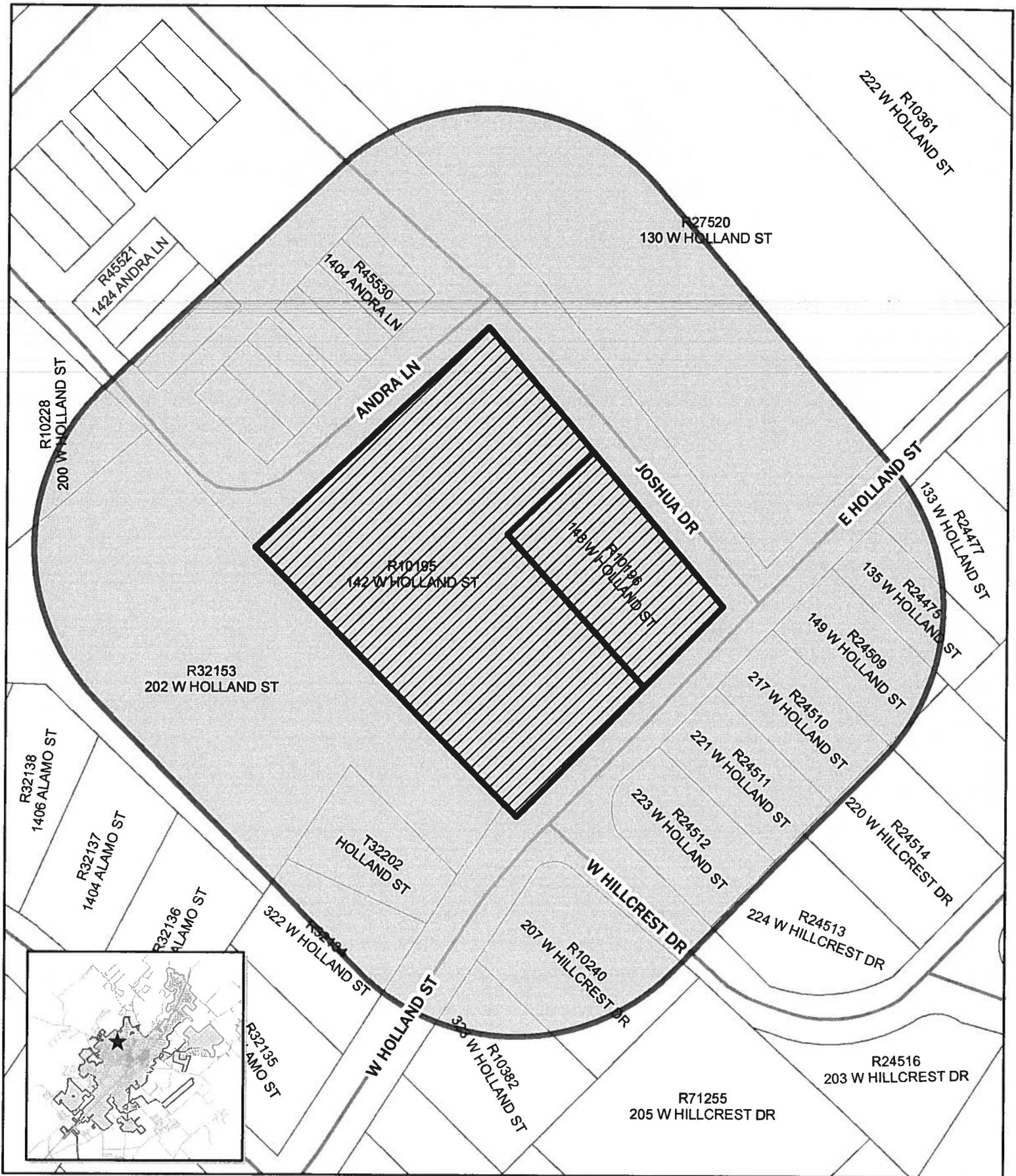
The Code requires the Commission to hold a public hearing and receive public comment regarding the proposed Land Use Map Amendment. The Commission's advisory recommendation to the Council is a discretionary decision. The City Council will ultimately decide whether to approve or deny this request, and will do so through the passage of an ordinance.

After considering the public input, your recommendation should be based on the "fit" of this proposal for a land use amendment with the general character, land use pattern and adopted policy for the area. Section 1.4.1.4 charges the Commission to consider the following criteria for amendments to the Master Plan's Future Land Use Map:

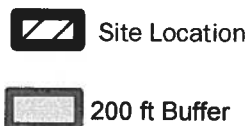
- Whether the amendment is consistent with the policies of the Master Plan that apply to the map being amended;
- The nature of any proposed land use associated with the map amendment; and,
- Whether the amendment promotes the orderly and efficient growth and development of the community and furthers the public health, safety and general welfare of the City.



ATTACHMENT "A"



ZC-12-13
LUA-12-08
142/148 Holland St
Date: 10/31/2012



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Zoning Change

ZC-12-13

142 & 148 W. Holland Street



Summary: The applicant is requesting a zoning change from Single Family Residential – 6 (SF-6) to Townhome (TH) for two lots located at 142 & 148 W. Holland St.

Applicant: Kris Richter
27934 Copper Crest
San Antonio, TX 78260

Property Owners: Elvin Lee Anderson Estate
c/o Evelyn J. George
11910 Briar Path Street
San Antonio, TX 78249

Notification: Personal notifications of the public hearing were mailed on Thursday, November 1, 2012 to all property owners within 200 feet of the subject property.

Response: No response as of November 8, 2012.

Property/Area Profile:

Legal Description: 2.17 acres out of the Thomas J. Chambers Survey, Abstract No. 2, Tracts 6 and 7

Location: 142 & 148 W. Holland Street

Existing Use of Property: Single-Family Residential (rental) & Vacant single-family dwelling

Proposed Use of Property: Townhomes

Future Land Use Map: Low Density Residential

Existing Zoning: SF-6 (Single Family Residential)

Proposed Zoning: TH (Townhomes)

Utility Capacity: Adequate

Sector: Sector 3

Area Zoning and Land Use Pattern:

	Zoning	Existing Land Use	Future Land Use
N of Property	TH	Townhouse residential	Medium Density Residential
S of Property	SF-6	Single family residential	Low Density Residential
E of Property	P	Church	Public & Institutional
W of Property	SF-6	Single family residential	Low Density Residential

Case Summary

The subject site consists of two unplatted parcels out of the Thomas J. Chambers Survey which measure approximately 2.17 acres. There is one occupied home located at 142 W. Holland Street. According to the applicant, this home serves as a rental property and there is a large accessory structure on-site that may have been used for agricultural purposes. A vacant dwelling, which the applicant states is not repairable, is located at 148 W. Holland Street. Surrounding uses are predominantly single-family residential and the property located immediately north of the subject site is zoned Townhouse Residential. There is one property, the corner of Alamo Street and W. Holland Street, that is zoned Neighborhood Commercial on which a small Mexican food restaurant is located.

The applicant is proposing to construct cottage-style townhomes on the subject site. Attachment "A" shows a picture of a similar style townhouse development. With the property being 2.17 acres in size, the maximum number of units allowed under the proposed TH zoning district is 26 units. Prior to the building permit being issued, the property will have to be platted.

This request is proceeding concurrently with a land use amendment from Low Density Residential (LDR) to Medium Density Residential (MDR).

Planning Department Analysis

The applicant is requesting a zoning change from Single Family Residential – 6 (SF-6) to Townhome (TH) for two lots located at 142 & 148 W. Holland Street. The subject property fronts on W. Holland Street, a residential collector street that extends from N. LBJ Drive to Ranch Road 12.

The property is located in Sector 3. Sector 3 is located north of Texas State University and encompasses neighborhoods such as Spring Lake Hills, Forest Hills, Ridgeway/Hillcrest, Alamo, Holland Hills, Highland, Tanglewood, and Hughson Heights. It contains a mix of single-family homes, apartment complexes, townhomes, and duplexes. The university's influence is evident in Sector 3 with heavy rental presence, low median age, smaller households and more multi-unit dwellings. There are a few businesses in Sector 3 mostly located along Ranch Road 12 and at the intersection of N. LBJ and Sessom Drive. The largest percentage of acreage in the Sector is zoned for single-family (65%).

The subject property is located within walking distance to Texas State University – San Marcos. While the area is predominately owner-occupied single-family homes there are homes in this area that are rented out. According to the Sector 3 Plan, the only medium density townhouse residential district (12 dwelling units or fewer per gross acre) is the property located directly north of the subject property which includes a 30 unit townhome complex on Joshua Drive.

The rezoning of this particular property will not change the residential nature of the neighborhood as it creates another option of residential use within it. Furthermore, the rezoning of this property supports the intent of townhome zoning to accommodate single-family attached residences with designs that bridge the gap between rental apartment units and single-family homes. It is the intent of this zoning district that townhouse units be designed and constructed for individual ownership although rental units are not prohibited. The occupancy restrictions found in Section 4.3.4.5 of the Land Development Code do apply to the TH zoning designation.

Section 1.5.1.5 of the Land Development Code (LDC) establishes guidance criteria for use by the Planning and Zoning Commission to evaluate zoning changes. The consistency of this proposed change to the criteria is summarized below:

Evaluation			Criteria (LDC 1.5.1.5)
Consistent	Inconsistent	Neutral	
X			<p>Change implements the policies of the adopted Master Plan, including the land use classification on the Future Land Use Map and any incorporated sector plan maps</p> <p><i>A future land use map amendment is pending for this property. The Future Land Use Amendment staff report indicates changing to a Medium Density Residential future land use designation is consistent with a number of policy statements found in the Horizon's Master Plan.</i></p>
		X	<p>Consistency with any development agreement in effect</p> <p><i>No development agreements are in effect for this property.</i></p>
X			<p>Whether the uses permitted by the proposed change and the standards applicable to such uses will be appropriate in the immediate area of the land to be reclassified</p> <p><i>The proposed use of Townhome is compatible and appropriate for the neighborhood. The subject property is adjacent to property that is zoned TH.</i></p>
X			<p>Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other public services and utilities to the area</p> <p><i>The property is currently served with City water and wastewater. There are no Capital Improvement Plan projects anticipated in the immediate area.</i></p>
X			<p>Other factors which substantially affect the public health, safety, morals, or general welfare</p> <p><i>Seeing as the property directly north of the subject property is zoned townhouse residential, the proposed rezone should not have a greater impact on surrounding properties.</i></p>

Additionally, the Commission should consider:

- (1) Is the property suitable for use as presently zoned?

Staff evaluation: The property could be redeveloped as single-family homes under the SF-6 zoning classification.

- (2) Has there been a substantial change of conditions in the neighborhood surrounding the subject property?

Staff evaluation: No, the surrounding neighborhood has been and remains a mix of residential uses, including single-family homes, duplexes, townhomes, and multifamily.

- (3) Will the proposed rezoning address a substantial unmet public need?

Staff evaluation: This would not address a substantial unmet need. However, the proposed rezoning would create an option of residential uses within a neighborhood.

- (4) Will the proposed rezoning confer a special benefit on the landowner/developer and cause a substantial detriment to the surrounding lands?

Staff evaluation: No, there is no special benefit to the landowner because a rezoning would make the property consistent with those surrounding it.

(5) Will the proposed rezoning serve a substantial public purpose?

Staff evaluation: While the rezoning does not serve a substantial public purpose, one home on the subject property has already become vacant and the other home on the property could become vacant in the future. This could leave the property underutilized.

Staff recommends **approval**.

The Commission's Responsibility:

The Commission is required by law to hold a public hearing and receive public comment regarding the proposed zoning. After considering the public input, the Commission is charged with making an advisory recommendation to the City Council regarding the request. The City Council will ultimately decide whether to approve or deny the zoning change request. The Commission's advisory recommendation to the Council is a discretionary decision.

Prepared by:

Alison Brake

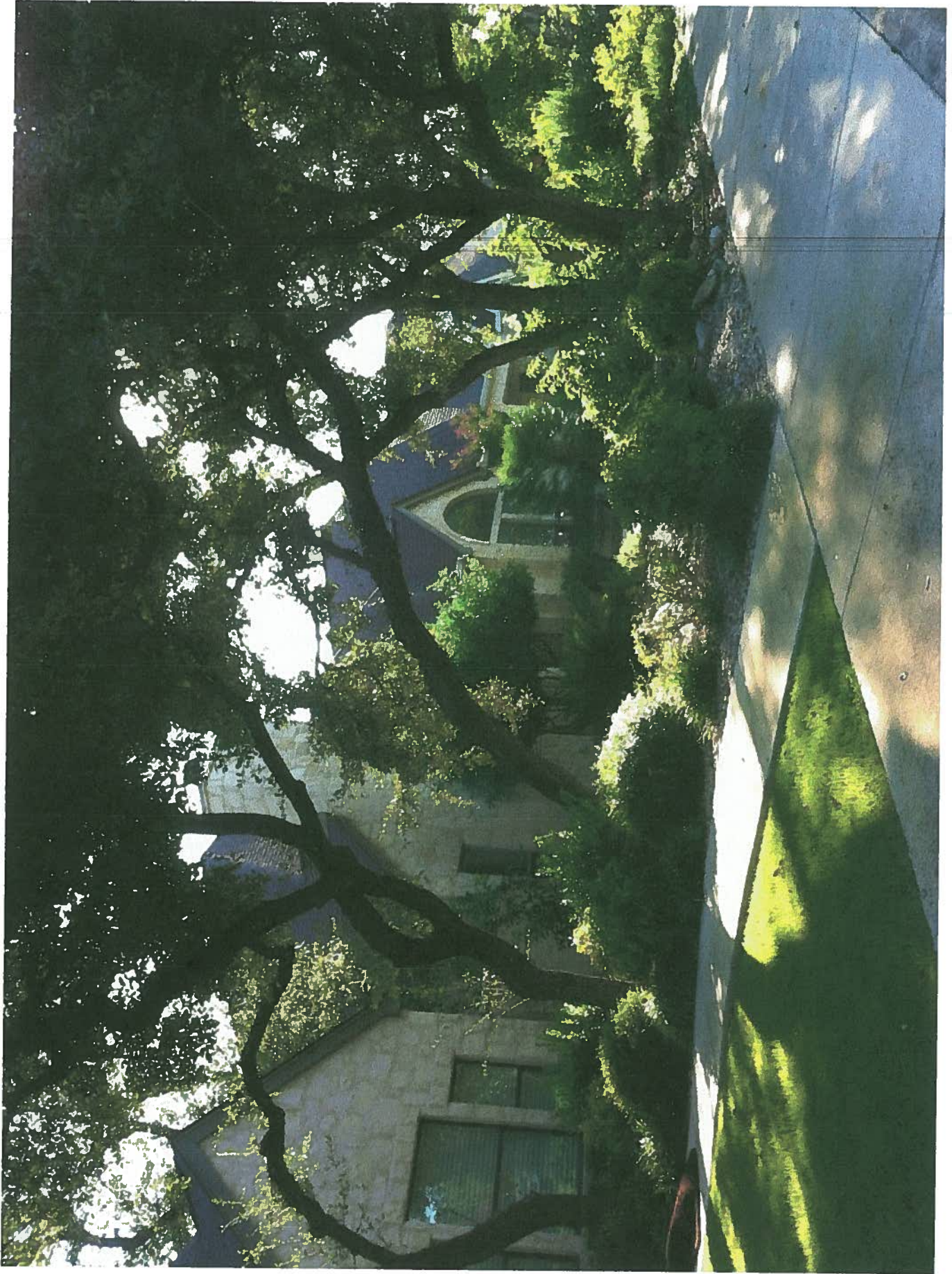
Planner

October 30, 2012

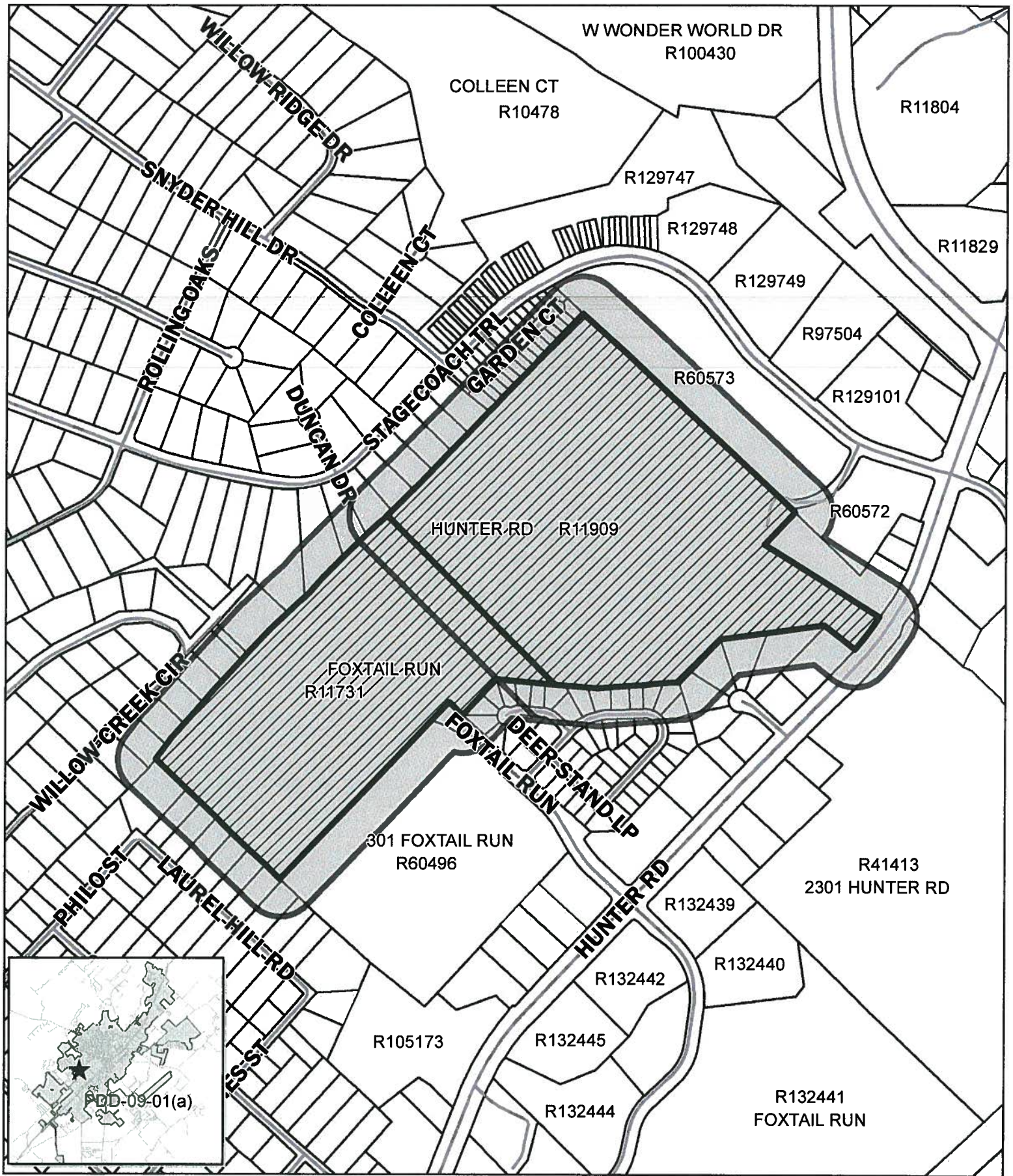
Name

Title




Date



ATTACHMENT "A"



PDD-09-01(a)
Retreat on Willow Creek
Map Date: 10/12/12

-  Notification Buffer (200 feet)
-  Site Location
-  Historic District

This map was created by Development Services for reference purposes only. No warranty is made concerning the map's accuracy or completeness.



PDD-09-01(a) Planned Development District (PDD) Amendment The Retreat on Willow Creek



Summary:

Applicant/ Property Owner: Preferred Development Partners
215 W. Bandera, Suite 114-461
Boerne, TX 78006

Represented by P.W. Christensen, P.C.
1800 W. Commerce, Suite 1
San Antonio, TX 78207

Subject Property:

Legal Description: 101.40 acre tract out of the JM Veramendi Survey, Tract 203
Location: West of Hunter Road and south of Stagecoach Trail
Existing Use of Property: Undeveloped Land
Existing Zoning: PDD overlay with Mixed Use (MU) base zoning
Proposed Use of Property: Single Family
Proposed Zoning: Same as existing zoning
Sector: 9
Frontage On: Hunter Road
Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	SF-R,PH-ZL	Single Family Residential
S of Property	SF-6, CC, P	Middle School, Retail, Single Family Residential
E of Property	CC,P	Retail, Elementary School
W of Property	SF-6	Single Family Residential

Background

The subject property is approximately 101.4 acres and is located along Hunter Road just south of Stagecoach Trail. The site is surrounded largely by single family neighborhoods. Doris Miller Middle School and Hernandez Elementary also border the proposed development. The site is located within the Edwards Aquifer Transition Zone and is currently undeveloped.

The original Retreat on Willow Creek PDD has a base zoning of Mixed Use (MU). When approved in 2010, it allowed for the site to be developed with either multi-family, single family or other uses permitted in MU, and featured a 205 foot natural buffer from the surrounding single family neighborhoods along with a 300 foot height restriction setback on the south and west property boundaries. The land remained undeveloped and the applicant initiated the amendment in May 2012 in order to remove the buffer. There was interest from two home builders to construct single family homes, but the buffer prevented optimal subdivision design. During negotiation over the amendment in September, the developer submitted a rezoning request to eliminate the PDD and revert the entire tract to its original base zoning of SF-6.

Staff negotiated the final draft of the amended PDD which allows additional benefits for both the developer and the City which would not have been attained through traditional zoning. The PDD is restricted to single family uses only; contains increased architectural standards; dedicates a much larger amount of parkland than required along with a park development fee; allows more flexibility for the developer in addressing road construction across the floodplain; clarifies landscaping requirements and provides additional options for tree preservation and mitigation.

Site Development

- 101.40 acre site
- Area 1 (38.88 acres) under contract with KB Homes
- Area 2 (26.8 acres) under contract with D.R. Horton
- Parkland dedication of 29.39 acres
- 6.95 acres of detention
- Improved road and creek crossing will be constructed across floodplain

Density

There is no change in density from the original PDD. The amended PDD proposes 5.5 units per gross acre, which is the LDC standard for SF-6 zoning.

Impervious Cover

There is no change in impervious cover from the original PDD which allowed 60% impervious cover of the gross project site.

Exterior Construction Standards

The original PDD include masonry standards of 60% for 1-story and 80% for 2-story. The amendment proposes 50% masonry for 1-story and 75% first floor masonry for 2-story homes. All homes adjacent to existing single family homes will be constructed with a 100% masonry rear wall.

Parkland Dedication

The original PDD provided for a Park, Open Space and Recreation easement or land dedicated to the City as parkland in the amount of approximately 36 acres. This includes all land located within the floodway as well as the land within the 205 foot buffer zone. The original PDD also included an \$18,000 park development fee for a Frisbee golf course.

The amended PDD proposes parkland dedication of 29.39 acres, two access points with 10 on-street dedicated parking spaces for park users, and a \$23,000 park development fee to assist in the creation of a trail system. The option for an easement has been removed. The Parks Board recommended approval as currently proposed in the Tuesday, October 16, 2012 meeting.

Water Quality

No water quality practices have been proposed in addition to standard state and federal regulations.

Buffer and Compatibility

The original PDD proposed a 205 ft natural buffer and a 300 ft restricted height setback. The amended PDD eliminates the buffer and the restricted height setback due to single family housing being the only use allowed within the development area.

Setback (Revised Since 10/23 Public Hearing and Meeting)

In place of the buffer, the amended PDD will provide a 50 ft setback from adjoining property lines along the South and West boundaries. This setback consists of a 25 ft Greenbelt Area and a 25 ft building setback. The Greenbelt Area may include preserved trees, mitigated trees and storm water management features that will be determined during the site preparation plan process but with a goal to preserve the Greenbelt as a mostly natural vegetative area. The Greenbelt will be owned and maintained by either the developer or the mandatory HOA. The building setback is for the primary residential structure only. The

builder will only make available plans for these sites with shorter building footprints in order to meet the setback requirement.

Access

Area 1 will be accessed from Stagecoach Trail and Area 2 will be accessed from Foxtail Run. At the time that there are more than 74 building permits issued off of either point, the developer will be required to construct an improved above grade road and creek crossing over the floodplain to connect the two areas in order to provide the required two points of access for emergency vehicles as well as to improve connectivity and circulation within the neighborhood. Security will be required for public improvements including the construction of the improved road and creek crossing. This meets the LDC requirements.

Occupancy Restrictions

The original PDD did not allow for dormitory-style student housing (larger complexes) and required a Conditional Use Permit application for duplex, triplex and quadraplex uses. The amendment removes all multi-family uses and retains the single-family occupancy restrictions of the LDC.

Comments from Other Departments

Engineering, Fire, Parks and Recreation have all actively participated in the negotiations. Their comments have been incorporated into the final draft PDD.

Comments from the Public

Since the first public hearing, staff met with representatives from the Willow Creek neighborhood. The neighborhood developed their own proposal for the developer to include a 50 ft vegetated buffer (with the natural environment preserved) from fence line to fence line. The neighborhood also requested an additional 25 ft building setback from the fence line and single-story homes on lots adjoining the South and West property boundaries.

Planning Department Analysis:

Update since 10/23 Public Hearing and Meeting: Since the last public hearing, staff has worked with the developer and the neighborhood to reach a suitable compromise on the buffer along the South and West property lines. The proposed 50 ft setback provides for a small transition area to allow for some natural features and preserved trees as well as drainage elements necessary to serve the site. The Greenbelt also allows space between fence lines as the neighborhood requested. The home builder is willing to alter the product offering to only allow plans with smaller footprints along the South and West property boundaries.

The proposed PDD amendments reflect the appropriate use and density for this tract of land. Prior to approval of the original PDD in 2010, the land was zoned SF-6. There was opposition to the multi-family uses at the time for which the buffer and height setback served as important strategies to transition into the surrounding neighborhoods. That potential use has now been removed and the land will develop as a compatible single-family subdivision.

The PDD provides the additional benefits listed above including the increased architectural standards, the dedication of parkland far exceeding the LDC requirements and some flexibility in the way the developer can approach tree mitigation and construction of the road across the floodplain. Had the developer chosen to move forward with a single family request, the additional parkland dedication and architectural requirements would not have been required. Staff feels this is the best possible outcome from the PDD amendment process.

Comparison Table

	Original PDD	Amended PDD
Base Zoning	MU	MU
Future Land Use	MU	MU
Land Use Restrictions	-Duplex/Tri-Plex/Quad-plex allowed with CUP	No multi-family allowed
Compatibility	-Natural Greenbelt Buffer (205 ft minimum) between adjacent subdivisions if anything other than single family is built	50 ft setback with 25 ft Greenbelt and 25 ft building setback
Units per Acre	-5.5 Maximum for gross acres -12 clustered units per acre/net developable	5.5
Landscape Requirements	-25% for MU -100% for single family	LDC minimum
Construction Standards	-60% first floor masonry for 1-story -80% first floor masonry for 2-story	-50% first floor masonry for 1-story -75% first floor masonry for 2-story -100% masonry rear wall for houses adjacent to single family
Height	-3 three stories/45 feet -300 foot height restricted setback from north and west boundaries	2.5 stories/35 feet
Impervious Cover	60% of gross project site	60% of gross project site
Parks and Open Space	-36 acres of dedicated parkland -\$18,000 park development fee for Frisbee golf -Public parking spaces and bike racks -Construction of park and emergency access road	-29.39 acres of dedicated parkland -\$23,000 park development fee for trails -10 parking spaces for park users -Emergency/access road
Tree Mitigation and Preservation	LDC minimum	Additional credits offered for large specimen trees and flexibility to mitigate anywhere on project site.

Staff provides this request to the Commission for your consideration and recommends approval of the PDD Amendment as submitted.

Planning Department Recommendation	
<input checked="" type="checkbox"/>	Approve as submitted
<input type="checkbox"/>	Approve with conditions or revisions as noted
<input type="checkbox"/>	Alternative - Postpone
<input type="checkbox"/>	Denial

Prepared by:

Emily Koller

Planner

November 7, 2012

Name

Title

Date

**Amended and Restated Planned Development District Development Standards
for
The Retreat on Willow Creek Planned Development District**

**Legal Description: 101.40 acres of land out of the J. M. Veramendi
Survey No. 1, Abstract No. 17, City of San Marcos, Hays County, Texas**

**Approved under City of San Marcos
Land Development Code Chapter 4, Article 2, Division 6**

**Submitted:
October 5, 2012**

**Revised:

As Revised by City Council**

**Approved:
_____, 2012**

Part 1. General Information

1.01. Project Description. The proposed development of approximately 101.40 acres of land out of the J. M. Veramendi Survey No. 1, Abstract No. 17, Hays County Texas being described as generally located on the west side of Hunter Road south of Stagecoach Trail and at the terminus of Hunters Hill Drive and Foxtail Run (the "Project Site"), as shown in Exhibit "A," attached to and made a part of these development standards for all, purposes.

1.02. Project Location. The Project Site is generally located on the west side of Hunter Road south of Stagecoach Trail and being bound on the north by Hernandez Intermediate School, on the south by Laurel Estates Subdivision, on the west by Willow Creek Estates Subdivision and the Gardens at Willow Creek Subdivision and on the east by Hunters Hill Subdivision, Doris Miller Junior High School, and Willow Springs Center Subdivision. Access to this site will be provided through the extension of Foxtail Run and the construction and extension of Hunters Hill Drive.

1.03. Phasing. The Project Site may be developed in phases. As indicated on the Conceptual (or "Concept") Plan, illustrated in Exhibit "B," attached to and made a part of these development standards for all purposes, the Project Site consists of two (2) areas separated by the floodplain. These areas are designated on the plan as Area 1 and Area 2 and may be developed jointly as a single unified development or may be developed individually as stand-alone developments. This flexibility in the design and planning of the Project Site will allow for greater flexibility to meet the changing demands and needs of the community. The Development Standards contained herein are intended to be utilized for the development of the project site as a single unified development; however, in the event that Area 1 and Area 2 are developed independently, each area shall be developed in a manner so as to meet the requirements of these development standards.

1.04. Reasons for use of PDD. This Planned Development District ("PDD") is intended to allow for a higher quality of development for the City of San Marcos than could be achieved under an existing zoning classification. These development standards, for instance, impose greater parkland dedication requirements and stricter architectural standards, among other enhancements, than would normally be required.

Part 2. Land Use Designation and Restrictions

2.01. Base Zoning – Mixed Use District (MU). The base zoning designation for this zoning district is Mixed Use District ("MU") which is intended to provide for a mixture of retail, office, and residential uses in close proximity to enable people to live, work, and purchase necessities in a single location. However, the Project Site will be developed only with single family residences as provided below.

2.02. PDD Restrictions on Land Use. The Project Site will be developed in a unified manner for single family uses indicated as permitted in the base MU District except as amended by Sections 3.02 to 3.06 below. All other uses within this PDD shall be prohibited.

Part 3. Land Use Restrictions

3.01. Generally. As stated above, the base zoning for the Project Site will be the MU District, however the provisions of Section 4.3.1.2 of the Land Development Code ("LDC") that would otherwise allow fraternity houses, sorority houses, boarding houses, dormitories, and multifamily apartments in a Mixed Use zoning District with a conditional use permit shall be inapplicable to this site. No portion of the site shall be used for fraternity houses, sorority houses, boarding houses, dormitories, or multifamily apartments land uses without approval of a petition for a zoning map amendment by ordinance of the San Marcos City Council. Except as otherwise amended, modified or supplemented in these Development Standards, all regulations applicable to that base zoning district will apply to the Project Site. The Project Site will be restricted to the uses identified herein.

3.02 Permitted Residential Uses. The following chart illustrates those residential uses that are permitted by right within the Project Site:

Development Areas 1 and 2	Single Family Detached House*
Development Area 3	None
* There will be no prohibition on the use of a Church or religious assembly hall on the property to the extent required by law.	

3.03 Permitted Accessory Uses. The following chart illustrates those accessory uses that are permitted by right within the Project Site:

Development Areas 1 and 2	Caretaker's/Guard's Residence Accessory Building/Structure
Development Area 3	Accessory Building/Structure

3.04 Occupancy Restrictions. The following occupancy restrictions shall apply to residential uses on this property:

- a. All residential uses identified in Section 3.02 above shall be restricted to occupancy by a family in accordance with the occupancy restrictions identified in Section 4.3.4.5 of the LDC.
- b. The provisions of this section shall be enforced through the residential lease agreements and occupancy shall be based upon the lessee(s) indicated on the residential lease.

Part 4. Development Standards

4.01. Landscape Requirements. The Project Site shall provide landscaping in accordance with the minimum requirements of the LDC in Section 6.1.1.4 for single family development.

4.02. Parking Requirements. The Project Site shall provide parking in accordance with the minimum requirements of the LDC.

4.03. Exterior Construction Standards. Architecture and the built environment make many important contributions to San Marcos's visual context. In order to achieve this design intent, a limited palette and range of exterior materials, colors, textures and finishes have been selected for all construction within the Development.

a. All facades shall use a palette and range of exterior materials, colors, textures and finishes pleasing to the eye and shall be approved by an architectural control committee set up by developer.

b. The use of color shall apply equally to additions and alterations to existing structures as well as to new detached structures. Garish or unusual colors and color combinations and unusual designs are discouraged.

c. All buildings within the Development shall be designed with a high level of detail with careful attention to the combination of and interface between materials. Materials chosen shall be appropriate for the theme and scale of the building compatible with its location within the development and expressive of the community desired character and image.

d. A minimum of 50% of each single-family residential building excluding doors and windows shall be masonry consisting of brick, stone, stucco, split face concrete units, faux stone or brick, or a combination thereof. Each building that is greater than one (1) story in height shall have a first floor with a minimum of 75% masonry consisting of brick, stone, stucco, split face concrete units, faux stone or brick, or a combination thereof.

e. Additionally, all single family residences abutting existing single family residences outside of the Retreat at Willow Creek shall be developed at 100% masonry at the rear.

f. Architectural details may include barn door shutters, faux gable vents or windows or other architectural details consistent with the design intent of the Craftsman cottage theme of the development.

g. E.I.F.S. is not permitted as a building facade material. If such a finish is desired stucco on masonry backup or a mechanically fastened system is required.

h. Durable materials such as terra cotta and metal fascia may be utilized for architectural detailing and accents where appropriate. A more articulated use of details and accent materials is encouraged at building entries.

i. These standards shall apply equally to additions and/or alterations to existing structures as well as to new detached structures. All accessory structures shall be constructed in such a manner so as to be compatible in look style and materials as the primary structures on the project site. Alternative designs for accessory structures may utilize different styles and materials than the primary structure upon review and approval by the Director of Development Services and the Permit Center Manager, appealable to the Planning and Zoning Commission.

j. No bright unfinished or mirrored surfaces will be allowed.

4.04. Environmental. The Property Owner shall comply with all federal, state and local storm water discharge registration, notification, monitoring and construction runoff protection requirements and required erosion/sedimentation controls. With regard to storm water drainage, the project shall not cause the run off of storm water drainage in flows that are in excess of the existing flows off the Property in its present condition.

4.05. Lighting. The Project Site shall provide lighting levels that are compatible with safety and industry standards for the uses permitted herein and shall meet the minimum requirements of the City of San Marcos and are subject to review at the Site Plan phase. All lighting shall be of a warm color light which is the color spectrum of incandescent light and shall be shielded so as to provide no glare to adjacent properties or street rights-of-way.

4.06. Maximum Height of Structures. The maximum height of structures constructed on this site shall not exceed two and one-half (2.5) stories or 35 feet in height, whichever is less.

4.07. Building Setbacks. The minimum building setbacks applicable to the Project Site shall be as follows:

a. *Minimum Front Yard Setback.* The minimum required front yard shall be 20 feet. Encroachments in the form of above grade awnings, bay windows, signage, eaves, balconies and window sills shall be permitted in accordance with the requirements of the LDC.

b. *Minimum Side Yard Setback.* The minimum side yards shall be five feet (5'). Encroachments in the form of above grade awnings, bay windows, signage, eaves, balconies and window sills shall be permitted in accordance with the requirements of the LDC.

c. *Minimum Rear Yard Setback.* The minimum rear yard setback shall be a minimum of twenty feet (20') for all lots with the exception of those adjoining the

South and West property lines. Encroachments in the form of above grade awnings, bay windows, signage, eaves, balconies and window sills shall be permitted in accordance with the requirements of the LDC.

d. *South and West Property Line Setback.* The South and West boundary of the property will include a 25 foot greenbelt area (the "Greenbelt Area") and a 25 foot building setback from the Greenbelt boundary resulting in an overall building setback of 50 feet from the South and West boundary of the property. The Greenbelt Area may include preserved trees, mitigated trees, and storm water management features to be determined during the site preparation plan process but with a goal to preserve the Greenbelt as a mostly natural vegetative area. This building setback is for the primary residential structure and does not prohibit in any way the normal use of the residential backyard for backyard recreational accessory structures and activities (pools, decks, covered patios, gardens, garden sheds, etc.). The Greenbelt Area shall be owned and maintained by either the developer of the property or the resulting subdivision's mandatory homeowner's association.

4.08. Dumpsters. All on-site solid waste receptacles (dumpsters) shall be enclosed by a minimum six foot (6') tall screening fence constructed of material compatible with the site development and architecture of the proposed structures.

4.09. Signage. Signage shall be provided in accordance with Chapter 6, Article 3, *Signs*, of the City of San Marcos LDC.

4.10 Maximum Impervious Coverage. The maximum overall impervious coverage permitted on the gross Project Site shall be 60% (including buildings, parking structures, etc.).

4.11. Parks and Open Space.

a. The Project Site will provide for the establishment of land dedicated and conveyed to the City as parkland subject to the approval of the Planning and Zoning Commission and containing approximately 29.39 acres of land. Chapter 7, Article 6 of the City of San Marcos LDC outlines the requirements for parkland dedication. Based on the permitted uses on the Project Site, the maximum amount of parkland that would be required to be dedicated as part of this project would be for single family residential dwellings and would be equivalent to 4.1 acres. In the event that the parkland dedication requirements for the number of dwelling units on the property exceeds the proposed parkland dedication, a fee-in-lieu of parkland dedication will be required in accordance with the requirements of the City of San Marcos.

b. The unique configuration of the Project Site allows for the development of the property as a single project or for each area to be developed separately. The area indicated as Parkland will be dedicated and conveyed to the City as

parkland subject to the approval of the Planning and Zoning Commission. Any dedication and conveyance of parkland to the City would occur with the first final plat for the area being developed within the Project Site.

c. Additionally, a park development fee of \$23,000 will be required to assist in the development of a trail system and playground within the proposed Parkland. The payment of the park development fee will be required upon approval of the first final plat for the property. The dedication will be through fee simple title to the City for parkland.

d. A minimum of two (2) access points from a public right-of-way shall be provided to the parkland. A minimum of ten (10) parking spaces and one (1) bicycle rack shall be provided on-street adjacent to the access point. The parking spaces shall be dedicated for public use of the parkland with clear signage indicating the spaces are for Park users only. A minimum of one (1) of the dedicated parking spaces shall meet the requirements for ADA accessibility. The dedicated parking spaces associated with the parkland may not be utilized to meet the minimum parking requirements identified in Section 4.02 of this PDD. Parking spaces will be indicated on the Public Improvement Construction Plan (PICP) and constructed at the same time as the adjacent road.

San Marcos LDC Requirement	Proposed PDD Requirement
Section 7.6.1.2(c) – Parkland Dedication Calculation:	Dedication of parkland containing approximately 29.39 acres
5 acres (multiplied by) 250 units (multiplied by) maximum of 2.7 residents per unit (divided by) 1000	Provision for additional private open space and amenities within the Project Site.
Maximum 4.1 acres of parkland dedication required	Construction of a park and emergency access road
	Minimum of 10 dedicated parking spaces
	Payment of \$23,000 in parkland development funds for the construction of a trail system and playground

4.12. Fences. Fences shall be permitted in accordance with Chapter 6, Article 1, Division 3 of the City of San Marcos LDC.

4.13 Access. At the time building permits are issued totaling 25 lots in Area 1 or Area 2 the Property Owner shall be responsible for constructing an emergency access road to connect Area 1 and Area 2 within the Project Site in the location of the future street connection. The emergency access road will be constructed of asphalt material and contain a reinforced concrete low water crossing constructed, owned and maintained by the Property Owner and is intended to provide direct connection between the two areas within the Project Site.

a. At no time shall more than 74 homes be constructed with a single point of access in either Area 1 or Area 2. For Area 2, this would include houses constructed in the existing Hunter Hill Subdivision. Prior to issuance of permit of any buildings exceeding these numbers in either area, the developer will construct the required above grade street and creek crossing, built to City Standards and designed in accordance with the adopted City of Austin Drainage Criteria Manual, across the floodway as a means of connecting Areas 1 and 2.

b. The final improved connection road will be dedicated to the City by plat. Prior to the dedication of the final road, the property owner of each area shall be responsible for ensuring access through each area to the emergency access road.

c. The developer and/or builder will provide quarterly building permit reports to the Permit Center Manager monitoring permit numbers in Areas 1 and 2. At such time the above triggers are met, no additional permits will be issued until construction of the road is confirmed complete by the City.

d. Nothing in this Section 4.13 shall be construed as a waiver of the requirement for the developer to, and the developer shall, provide security for the completion of public improvements in the manner prescribed by Sections 1.6.6.3 and 1.6.6.4 of the LDC.

4.14. Traffic Impact Analysis (TIA). A complete Traffic Impact Analysis will be required for the Project Site to determine adequacy of street infrastructure and any necessary roadway improvements. A Traffic Threshold Worksheet shall be required for the purposes of review and approval of this PDD. A complete Traffic Impact Analysis shall be required upon the subsequent submittal of a Preliminary Plat or Watershed Protection Plan Phase II for any use. Any roadway improvements not identified on the Concept Plan, but required as a result of the Traffic Impact Analysis, shall be identified prior to approval of a Final Plat for all or any portion of the property impacted by such roadway improvements.

4.15. PDD Development Intensity Table. The following chart provides a development intensity summary of the overall site:

	Overall Project Site	Area 1	Area 2	Area 3
Total Area (acres)	101.399	38.880	26.170	29.39
Park/Open Space Area (acres)	29.39	-	-	29.39
Total Developable Area (acres)	72.009	44.84	27.80	N/A
Maximum Developable Area %	71.01%			

4.16 Tree Preservation and Mitigation. The Project Site is subject to the Tree and Habitat Protection requirements of the City's LDC. Some additional standards are provided to allow more options for mitigation. Any trees that are removed or damaged during development of the Project Site shall be mitigated according to the table below. Existing trees preserved in the Parkland are not eligible for credit:

Tree Classification	LDC		PDD	
	Mitigation	Credit	Mitigation	Credit
Protected Trees (9-23") within Building Footprint, within 10 feet of the Building Footprint or within Site Access Areas	Not required		Not required	
Protected Trees (9-23") beyond Building Footprint or Site Access Areas	Replaced per lot at a ratio of 2.5:1	12" or more = 2 trees (4") 4-12" = 1.5 trees (3")	1:1 caliper inch anywhere on Project Site	1:1 caliper inch Anywhere on Project Site
Specimen Trees (24" or more) located anywhere in Project Site	Replaced per lot at a ratio of 1:1	1:1 per caliper inch	2:1 caliper inch anywhere on Project Site	2:1 caliper inch anywhere on Project Site
Specimen Trees (40" or more) located anywhere in Project Site			3:1 caliper inch anywhere on Project Site	3:1 caliper inch anywhere on Project Site
Excluded Species	All excluded trees 12" or more require mitigation	No credits	All excluded trees 24" or more require mitigation 2:1	2:1 caliper inch for excluded trees 24" or more

a. In the event that mitigation is not feasible on the individual lots, trees meeting the mitigation requirements of this section may be planted within the dedicated Parkland in the Project Site, along street edges within the Project Site or at the subdivision entryways.

b. The developer may also provide payment to the Parks and Recreation Department of a fee-in-lieu of tree mitigation at a rate of \$100 per caliper inch required mitigation for use for the planting and maintenance of trees, installation of irrigation, and repair or removal of damaged or destroyed trees.

c. To the greatest extent possible, the project site shall provide for a site layout and building locations that avoid removal of preferred trees, especially specimen trees. The preservation of existing protected and specimen trees within the limits of construction on the project site shall count toward mitigation requirements identified of this section.

d. In the event that a tree designated for protection and preserved in accordance with this section dies within three years of being planted or, in the case of trees planted on individual residential lots, three years from the issuance of a certificate of occupancy for the lot, the loss of that tree shall be required to be mitigated for in accordance with this section.

e. Tree mitigation calculations will be done at the time of the submittal of the Public Improvement Construction Plan (PICP). The term "Site Access Areas" shall include street and utility right of way.

4.17 Density and Dimensional Standards.

Standard Category	SF Residential
Lot/Parcel Area, Minimum Sq. Ft.	6000
Lot/Parcel Area, Maximum Acres	N/A
Units per Acre, Maximum/Gross Acres	5.5
Clustered Units per Acre, Net Developable	12.0
Lot Frontage Minimum Feet	35
Lot Width, Minimum Feet	50
Front Yard Setback, Minimum Feet	20
Side Setback, Minimum Feet, Interior	5
Side Setback, Corner, Minimum Feet	15
Rear Yard Setback, Minimum Feet	20
Rear Yard Setback (South and West Property Lines), Minimum Feet	50
Lot Depth, Minimum Feet	100
Impervious Cover, Max. %	60
Building Height, Maximum Feet	2.5 stories or 35 feet, whichever is less
1. Parking facilities in these development areas may be retained in common for reciprocal use by commercial and office/civic tenants, and may be included as part of the building lot. For example, a lot containing retail uses on the ground floor, with residential and/or office use above, may be designed to accommodate common parking facilities.	

Part 5. Miscellaneous

5.01. The Project Site will be bound by the provisions of these development standards as though they were conditions, restrictions and limitations on the use of the Project Site under the City's LDC and ordinances.

5.02. Any person, firm, corporation or other entity violating any provisions of these development standards shall be subject to all penalties that apply to violation of the zoning ordinances of the City of San Marcos, as amended. Any person, firm, corporation or other entity violating any provisions of these development standards shall be subject to a suit by the City for an injunction to enjoin the violation of these development standards as though they were conditions, restrictions and limitations on use of the Project Site under the City's LDC.

5.03. All obligations created under these development standards are performable in Hays County, Texas and venue for any action arising under these development standards shall be in Hays County, Texas. These development standards will be construed in accordance with the laws of the State of Texas.

5.04. These development standards may be revised and amended only in accordance with the procedures described in the City's Land Development Code, as same may be amended from time to time.

5.05. These development standards shall control the development of the Project Site and, to the extent such development standards modify, amend or supplement specific provisions of the City's Land Development Code, said development standards shall control. To the extent the City's Land Development Code is not specifically amended, modified or supplemented by these development standards, the City's Land Development Code or, as same may exist at the time of approval of these development standards, shall be applicable to and control the development of the Project Site.

5.06. In case one or more provisions of these development standards are deemed invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provisions hereof and in such event, these development standards shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

Retreat on Willow Creek PDD Amendment

Exhibit A: Project Site



Field Notes

DESCRIPTION OF 101.40 ACRES, MORE OR LESS, OF LAND AREA IN THE J.M. VERAMENDI SURVEY NO. 1, ABSTRACT NO. 17, CITY OF SAN MARCOS, HAYS COUNTY TEXAS, BEING A PORTION OF THAT TRACT DESCRIBED AS 82.05 ACRES IN A DEED FROM TOM E. TURNER TO TETCO, INC. DATED DECEMBER 21, 2000 AND RECORDED IN VOLUME 1755, PAGE 814 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS, BEING A PORTION OF THAT TRACT DESCRIBED AS 64.55 ACRES IN A DEED FROM SAN MARCOS ONE EIGHTY SIX, LTD., TO TETCO, INC., DATED SEPTEMBER 22, 1988 AND RECORDED IN VOLUME 753, PAGE 697 OF THE HAYS COUNTY REAL PROPERTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a $\frac{1}{4}$ " iron rod set in the southwest line of Lot 1, Block 2, Intermediate School Subdivision as recorded in Volume 6, Page 153 of the Hays County Plat Records for the north corner of this description and the Tetco 82.05 acre tract, from which a $\frac{5}{8}$ " iron rod found with yellow plastic cap stamped "property corner" bears N 00°35'18" W 0.48 feet;

THENCE leaving the Place of Beginning as shown on that plat numbered 23992-03-24-d dated November 18, 2003 prepared for Tetco by Byrn & Associates, Inc., of San Marcos, Texas, with the common northeast line of the Tetco 82.05 acre tract and southwest line of Intermediate School Subdivision the following four courses:

1. S 44°57'05" E 314.74 feet to a $\frac{1}{2}$ " iron rod set for angle point,
2. S 44°11'36" E 393.46 feet to a $\frac{1}{4}$ " iron rod set for angle point,
3. S 43°51'47" E 676.55 feet to a $\frac{1}{4}$ " iron rod set for angle point, and
4. S 44°16'32" E 165.37 feet to a $\frac{1}{4}$ " iron rod found with aluminum cap stamped "Byrn Survey" in the southwest line of Lot 1, Block 1, Intermediate School Subdivision for an exterior northeast corner of this description and the Tetco 82.05 acre tract and north corner of that tract described as 2.9495 acres in a deed from W.B. Williams to George Powell dated July 16, 2003 and recorded in Volume 2032, Page 233 of the Hays County Official Public Records, pass at 51.82 feet a $\frac{1}{4}$ " iron rod found for the south corner of Lot 1, block 2, and northwest corner of Hunters Hill Drive as shown on the plat of Intermediate School Subdivision, and pass at 145.11 feet a $\frac{1}{4}$ " iron rod found with plastic cap stamped "Byrn Survey" for the west corner of Lot 1,

Block 1, and southwest corner of Hunters Hill Drive;

THENCE leaving Intermediate School Subdivision with the common northeast line of the Tetco 82.05 acre tract and northwest and southwest lines of the Powell 2.9495 acre tract the following two courses:

1. S 45°46'26" W 235.99 feet to a 1/4" iron rod found with plastic cap stamped "Byrn Survey" for interior northeast corner of the Tetco 82.05 acre tract and west corner of the Powell 2.9495 acre tract, and
2. S 55°31'44" E 723.94 feet to 1/4" iron rod found with plastic cap stamped "RPLS 2596" in the northwest line of Hunter Road/F.M. Highway no. 2439 for the south corner of the Powell 2.9495 acre tract, east corner of this description, and north corner of that tract described as "Parcel 1-1.59 acres" in a deed from Tetco, Inc., to the State of Texas dated March 3, 1994 and recorded in Volume 1066, Page 400 of the Hays County Official Public Records (said 1.59 acre Parcel 1 being a portion of the Tetco 82.05 acre tract);

THENCE leaving the Powell 2.9495 acre tract crossing the Tetco 82.05 acre tract with the northwest line of the State of Texas 1.59 acre Parcel 1 and Hunter road being with a right-breaking curve having the following characteristics: Delta = 09°03'39", radius = 1372.40 feet, arc = 217.03 feet and a chord bearing S 39°31'12" W 216.81 feet to a 1/4" iron rod found with plastic cap stamped "Byrn Survey" for the southeast corner of this description and east corner of Lot 4, Block A, Section 3, Hunters Hill Subdivision as recorded in Volume 11, Page 141 of the Hays County Plat Records (said Hunters Hill, Section 3, being a portion of the Tetco 82.05 acre tract);

THENCE leaving Hunter Road and the State of Texas 1.59 acre Parcel 1 tract with the north line of Block A, Section 3, Hunters Hill Subdivision the following three courses:

1. N 49°43'42" W 208.99 feet to a 1/4" iron rod found with plastic cap stamped "Byrn Survey" for angle point of Lot 4,
2. S 84°41'20" W 556.76 feet to a 1/4" iron rod found with plastic cap stamped "Byrn Survey" for angle point of Lot 4, and
3. S 46°17'15" W 318.00 feet to a 1/4" iron rod found with plastic cap stamped "Byrn Survey" for angle point in Lot 3, Block A, Section 3, Hunters Hill Subdivision and for the northeast corner of Lot 20, Hunters Hill Subdivision, Section Two as recorded in Volume 8, Page 101 of the Hays County Plat Records (said Hunters Hill Subdivision, Section two being a portion of the Tetco 82.05 acre tract);

THENCE leaving Lot 3, Block A, Section 3, Hunters Hill Subdivision with the north and northwest lines of Hunters Hill Subdivision, Section Two, the following three courses:

1. S 88°24'44" W 438.19 feet to a ½" iron rod found with plastic cap stamped "Byrn Survey" for angle point in the north line of Lot 16,
2. N 82°10'28" W 532.24 feet to a ½" iron rod found with plastic cap stamped "Byrn Survey" for the north corner of Lot 9 and northwest corner of Lot 10, pass at approximately 348 feet the southwest line of the Tetco 82.05 acre tract and northeast line of the previously mentioned Tetco 64.55 acre tract, and
3. S 45°41'24" W 261.33 feet to a ½" iron rod found with plastic cap stamped "Byrn Survey" in the northeast line of Lot 1, Block 1, Section 1, Hunters Hill Subdivision as recorded in Volume 6, Page 177 of the Hays County Plat Records for the northwest corner of Lot 7 and southwest corner of Lot 8, Hunters Hill, Section two;

THENCE leaving Hunters Hill Subdivision, Section Two with the common southeast line of the Tetco 64.55 acre tract and northeast and northwest lines of Lot 1, Block 1, Section 1, Hunters Hill Subdivision the following two courses:

1. N 44°15'35" W 100.10 feet to a ½" iron rod found with plastic cap stamped "Byrn Survey" for the north corner of Lot 1, Block 1, Section 1, and
2. S 45°43'43" W (being the Bearing Basis for this description) 1298.73 feet to a ½" iron rod found with plastic stamped "Byrn Survey" in the northeast line of Lot 69 of Laurel Estates Unit 2 as recorded in volume 1, Page 62 of the Hays county Plat Records for the west corner of Lot 1, Block 1, Section 1, Hunters Hill Subdivision and southwest corner of the Tetco 64.55 acre tract and this description;

THENCE leaving Lot 1, Block 1, Section 1, Hunters Hill Subdivision with the common southwest line of the Tetco 64.55 acre tract and northeast line of Laurel Estates Unit 2 the following seven courses:

1. N 43°36'22" W 121.45 feet to a 3/8" iron rod found for the north corner of Lot 69 and east corner of Lot 66,
2. N 43°43'41" W 122.00 feet to a cotton spindle set with aluminum washer stamped "Byrn Survey" for the north corner of Lot 66 and east corner of Lot 63,
3. N 43°44'18" W 122.40 feet to a 3/8" iron rod found for the north corner of Lot 63 and east corner of Lot 60,
4. N 42°17'43" W 121.99 feet to a ½" iron rod set for the north corner of Lot 60 and east corner of Lot 57,
5. N 44°22'05" W 121.88 feet to a ½" iron rod set for the north corner of Lot 57 and east corner of Lot 54,
6. N 44°07'32" W 95.82 feet to a 3/8" iron rod found for the north corner of lot 54 and east corner of Lot 51, and

7. N 42°55'35" W 220.25 feet to a 3/8" iron rod found in the southeast line of Lot 12 of Willow Creek Estates as recorded in Volume 1, Page 203 of the Hays County Plat Records for the north corner of Lot 51, Laurel Estates Unit 2 and west corner of the Tetco 64.55 acre tract and this description;

THENCE leaving Laurel Estates Unit 2 with the common northwest line of the Tetco 64.55 acre tract and southeast line of Willow Creek Estates the following four courses:

1. N 40°00'48" E 137.16 feet to a 1/4" iron rod found for angle point in the southeast line of Lot 13, Willow Creek Estates, pass at 64.56 feet a 1/4" iron rod found for east corner of Lot 12 and south corner of Lot 13,
2. N 44°40'39" E 158.10 feet to a 1/4" iron rod found for angle point in the southeast line of Lot 14, pass at 77.77 feet a 1/4" iron rod found for the east corner of Lot 13 and south corner of Lot 14,
3. N 43°26'23" E 191.07 feet to a 1/4" iron rod found for angle point in the southeast line of Lot 15, pass at 69.05 feet a 1/4" iron rod found for the east corner of Lot 14 and south corner of Lot 15, and
4. N 45°06'50" E 230.55 feet to a 1/4" iron rod set for the east corner of the "Reserve" tract shown on the plat of Willow Creek Estates and that tract described as "Tract 2-0.25 acres" and south corner of that tract described as "Tract 1-1.00 acres in a deed from O.B. Howard et ux to A. Dan McClintock et ux dated December 15, 2000 and recorded in Volume 1750, Page 484 of the Hays County Official Public Records, pass at 28.8 feet the record east corner of Lot 15 and record south corner of Lot 16, pass at 177.95 feet a 1/4" iron rod found for the east corner of Lot 16 and south corner of the "Reserve" tract and the McClintock 0.25 acre tract 2;

THENCE leaving Willow Creek Estates and the McClintock 0.25 acre Tract 2 with the common northwest line of the Tetco 64.55 acre tract and southeast line of the McClintock 1.00 acre Tract 1 N 45°07'04" E 200.25 feet to a 1/4" iron rod found for the east corner of the McClintock 1.00 acre Tract 1 and south corner of that tract described as 0.58 acres in a deed from Handler Smith et al to Crystal Clear Water Supply Corp. dated May 22, 1980 and recorded in Volume 342, Page 675 of the Hays County Deed Records;

THENCE leaving the McClintock 1.00 acre Tract 1 with the common northwest line of the Tetco 64.55 acre tract and southeast line of the Crystal Clear Water Supply 0.58 acre tract N 47°59'53" E 116.87 feet to a 1/4" iron rod found for the east corner of the Crystal Clear Water Supply 0.58 acre tract and south corner of Lot 258 of Willow Creek Estates, Section 6, as recorded in Volume 4, Page 154 of the Hays County Plat Records;

THENCE leaving the Crystal Clear Water Supply 0.58 acre tract with the common northwest line of the Tetco 64.55

acre tract and southeast line of Willow Creek Estates, Section 6, the following four courses:

1. N 49°56'32" E 171.41 feet to a ½" iron rod set for angle point in the southeast line of Lot 259, pass at 143.69 feet a ½" iron rod found with aluminum cap stamped "Pro-Tech Eng" for the southeast corner of Lot 258 and southwest corner of Lot 259,
2. N 43°50'44" E 105.43 feet to an 8" Live Oak tree for angle point in the southeast line of Lot 259,
3. N 46°40'14" E 183.03 feet to a 2" cedar post found for angle point in the southeast line of Lot 260, pass at 155.06 feet a ½" iron rod found with aluminum cap stamped "Pro-Tech Eng" for the east corner of Lot 259 and south corner of Lot 260, and
4. N 48°21'57" E 225.97 feet to a 4" cedar corner post found in the southeast line of Lot 261 for the north corner of the Tetco 64.55 acre tract and west corner of the previously mentioned Tetco 82.05 acre tract, pass at 141.24 feet a ½" iron rod found for the east corner of Lot 260 and south corner of Lot 261;

THENCE leaving the Tetco 64.55 acre tract with the common northwest line of the Tetco 82.05 acre tract and southeast line of Willow Creek Estates, Section 6, the following eight courses:

1. N 54°37'39" E 32.48 feet to an 18" cedar tree for angle point in Lot 261,
2. N 46°59'04" E 59.08 feet to a ½" iron rod found with aluminum cap stamped "Pro-Tech Eng" for the east corner of Lot 261 and south corner of Lot 262,
3. N 47°39'34" E 161.25 feet to a ½" iron rod found with aluminum cap stamped "Pro-Tech Eng" for the east corner of Lot 262 and south corner of Lot 263,
4. N 48°15'15" E 58.06 feet to an 8" cedar tree for angle point in the southeast line of Lot 263,
5. N 45°51'58" E 87.76 feet to a ½" iron rod found with aluminum cap stamped "Pro-Tech Eng" for the east corner of Lot 263 and south corner of Lot 264,
6. N 46°12'26" E 145.94 feet to a ½" iron rod found with aluminum cap stamped "Pro-Tech Eng" for the east corner of Lot 264 and south corner of Lot 265,
7. N 46°11'13" E 146.46 feet to a ½" iron rod found with aluminum cap stamped "Pro-Tech Eng" for the east corner of Lot 265 and south corner of Lot 266, and
8. N 46°14'53" E 156.14 feet to a ½" iron rod found with aluminum cap stamped "Pro-Tech Eng" for the east corner of Lot 266, Willow Creek Estates, Section 6 and south corner of Lot 1, The Gardens at Willow Creek as recorded in Volume 8, Page 165 of the Hays County Plat Records;

THENCE leaving Willow Creek Estates, Section 6, and The Gardens at Willow Creek with the northwest line of the Tatco 82.05 acre tract as evidenced by old fence remains, the following six courses:

1. N 46°05'32" E 99.19 feet to a 14" Elm Tree for angle point,
2. N 46°08'42" E 87.01 feet to a 4" cedar fence post found for angle point,
3. N 46°52'25" E 105.89 feet to a dead 8" Live Oak Tree found for angle point,
4. N 44°50'24" E 119.45 feet to a double 14" Hackberry Tree found for angle point,
5. N 46°03'37" E 166.66 feet to a double 8" Elm Tree found for angle point, and
6. N 46°16'22" E 135.75 feet to the Place of Beginning.

There are contained within these metes and bounds 101.40 acres as prepared from record information and a survey made on the ground on November 18, 2003 by Byrn & Associates, Inc., of San Marcos, Texas. All 1/2" iron rods set are capped with a plastic cap stamped "Byrn Survey".

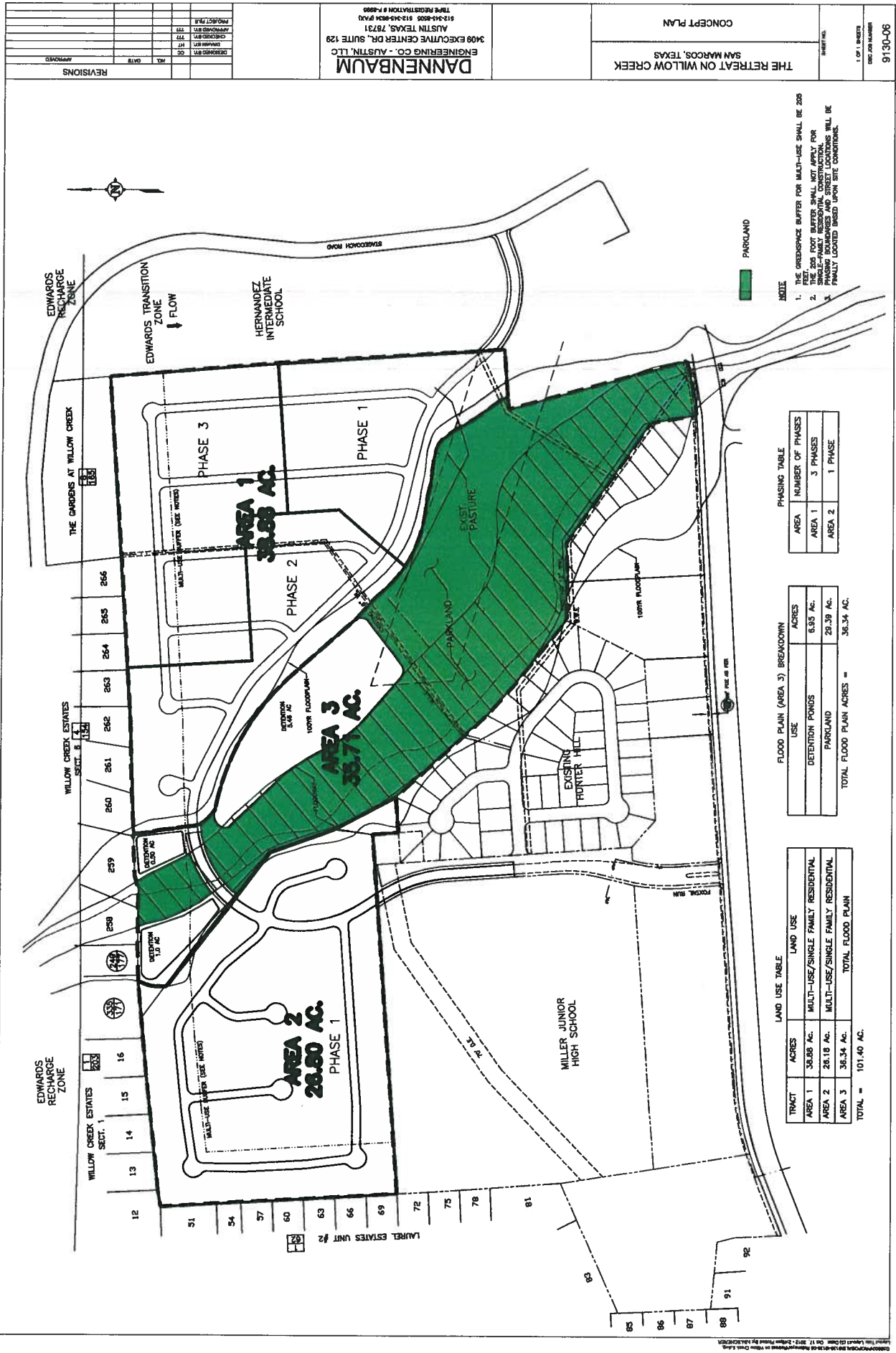
Kyle Smith, R.P.L.S. No. 5307

Client: Tatco
Date: November 18, 2003
Survey: Veramendi No. 1, J.M. A-17
County: Hays, Texas
Job No: 23992-03-24
Fnd101.40

Retreat on Willow Creek PDD Amendment

Exhibit B: Revised Conceptual Plan





PDD-12-02/ZC-12-05/ZC-12-06/ZC-12-11/LUA-12-04/LUA-12-06

Planned Development District (PDD)

Zoning Change

Land Use Amendment

The Woodlands of San Marcos



Summary:

Applicant/Property Owner: Dovetail Development, LLC
1150 Timothy Road, Suite 201
Athens, GA 30606

Consultant: ETR Development Consulting, L.L.C.
401 Dryden Lane
Buda, TX 78610

Subject Property:

Legal Description: Approximately 45 acres of land out of the J.M. Veramendi Survey No. 2, Abstract No. 17.

Location: River Road and Cape Road

Existing Use of Property: Commercial along frontage of IH-35 and vacant along River Road and Cape Road

Existing Zoning: "CC" Community Commercial and "FD" Future Development

Proposed Use of Property: Multi-family residential (student housing)

Proposed Zoning: PDD overlay with a MF-12 base zoning

Sector: 6

Frontage On: IH-35 Frontage Road and River Road

Area Zoning and Land Use Pattern:

	Current Zoning	Existing Land Use
N of Property	SF-6/MF-24/CC/GC/P	Single family residences and multi-family residences (Blanco Gardens), Commercial, and City lift station location
S of Property	FD	Vacant
E of Property	FD	Stokes Park, some residential
W of Property	GC & P	Commercial and City Parkland

Background

The Woodlands of San Marcos is approximately 45 acres of land, historically known as Cape's Camp and Thompson's Island, located on the east side of IH 35, south of River Road, west of Cape Road and north of the San Marcos River. The project is proposed to be developed as a 306-unit, 1,000-bedroom student housing multifamily community that will front along IH-35. Each unit is proposed to be no more than three-stories in height. The primary entrance to the development is proposed to be provided through a connection to the Interstate frontage road. The project is proposed to be restricted to a maximum density of 12 units per acre over the entire project site with the occupancy of the multifamily units being restricted to one person per lease per bedroom. The project site is located across from Blanco Gardens Neighborhood, a predominately single-family neighborhood. There are some multifamily and commercial pockets located across from the subject property.

ZC-12-05/ZC-12-06/ZC-12-11/LUA-12-05/LUA-12-06

The subject property was annexed in 1982 (Ordinance 1982-12) and was zoned Predevelopment (PD). During the City-wide rezoning in 2005, the property was re-named Future Development (FD). Currently, the majority of the subject property has a zoning designation of FD with a portion, along the frontage road of Interstate 35, having a zoning designation of Community Commercial (CC). The Future Land Use Map shows the property to have multiple designations that include Commercial (C), Medium Density Residential (MDR), Very Low Density Residential (VLDR) and Open Space (OS). The 1983 Master Plan's Future Land Use Map shows the area as "Permanent Open Space/Floodway" and this remained the case until the Sector 6 Plan was adopted in 1999 (Ordinance 1999-78).

The zoning categories listed under the Very Low Density Residential land use designation are as follows:

- Future Development District (FD)
- Agricultural Ranch District (AR)
- Rural Residential District (SF-R)

The zoning categories listed under the Medium Density Residential land use designation are as follows:

- Single Family District, min. 4,500 square foot lots (SF-4.5)
- Duplex Restricted District (DR)
- Patio Home, Zero-Lot Line Residential District (PH-ZL)
- Multiple-Family Residential District (MF-12)
- Manufactured Home District (MH)

The rezone requests to change the zoning designations are as follows:

- Future Development (FD) to Multifamily Residential (MF-12) for approximately 28.15 acres
- Community Commercial (CC) to Multifamily Residential (MF-12) for approximately 0.651 acres
- A Planned Development District Overlay (PDD) for approximately 45 acres total

The requests for Land Use Amendments are as follows:

- Commercial (C) to Medium Density Residential (MDR) for approximately 4.2 acres
- Very Low Density Residential (VLDR) to Medium Density Residential (MDR) for approximately 5.64 acres

Adjacent uses include the State Fish Hatchery to the southeast, as well as a mix of housing, predominantly single-family, to the north. Blanco Gardens Neighborhood is located across from the subject property on River Road. There are some commercial service-type businesses that are located across from the subject property along the IH-35 frontage road.

Proposed Site Development

- Project site is approximately 45 acres total.
- Multifamily Residential for student housing of 306 units/1,000 bedrooms; maximum 3-story units
- 12 units per acre maximum
- All parking requirements will be met plus bicycle parking is provided.
- Maximum Gross Impervious Cover = 30%
- Maximum Clustered Impervious Cover = 75%
- The project commits to a water quality performance rate of 85% removal of all Total Suspended Solids.
- Parkland dedication of 20 acres of land, including Thompson's Island, in addition to the area located within the floodway and land located within the Water Quality Zone. The project was presented to the Parks and Recreation Advisory Board for their recommendation on the dedication on September 25, 2012. The Board did not make a recommendation at that meeting. The project was again presented to the Parks and Recreation Advisory Board for a recommendation on the dedication on October 16, 2012. The dedication of 20 acres remained as before with the addition of park improvements such as parking and trail construction. The Board motion and recommendation was as follows:

Ted Ingwerson made the motion to **deny** the PDD for the following reasons:

1. Parkland dedication is not large enough to support 1,000 plus students and friends as well as the surrounding neighborhood;
2. There have been numerous other suitable locations identifies for this type of development;
3. Building along the river is irresponsible and irreversible;
4. Not a smart investment for the future;
5. This was not in the Comprehensive Master Plan – “Vision San Marcos: A River Runs Through Us”;
6. Conversation by the Parks Board in previous meetings was to commit to the community to preserve this area.

AMENDMENT TO MOTION:

Chad Williams added an **amendment** supporting the denial of the PDD for the reason that 100% of the dedication is either in the Floodway or Floodplain. The **amendment** was accepted by Ted Ingwerson.

The **motion** and the **amendment** passed unanimously (7-0).

Density

MF-12 zoning would allow for a maximum density of not more than 12 units per acre. With this zoning, the project site would be allowed to contain a maximum of 540 units over the entire site. The PDD proposes a maximum of 306 units. The current zoning of FD allows 0.40 units per acre.

Parking Standards

The applicant is providing 1.05 spaces per bedroom which is required by the Land Development Code (LDC), which amounts to 1,050 spaces. Bicycle parking is proposed at a minimum of 10% of the bedroom count, which amounts to 100 spaces. Also, the applicant is proposing that parking rows cannot extend for greater than 10 spaces without an interrupting landscape island. Staff recommends that these landscape islands be designed following Low Impact Development (LID) practices.

Exterior Construction Standards

Through the PDD, the applicant is proposing the use of four-sided design as well as utilizing a variety of sustainable design standards. Staff recommends the project be subject to the Architectural Renderings and Elevations as shown in “Exhibit E”.

Parkland Dedication

The applicant has proposed to dedicate approximately 20 acres of land to satisfy the requirement to dedicate parkland. This dedication includes the 10 acres that comprise Thompson's Island and all the area within the floodway and Water Quality Zone. Along with the dedication, the applicant has agreed to the following improvements:

1. Construction of a minimum 10-foot wide decomposed granite trail with limestone border located within the 100-foot Water Quality Zone from the property boundary adjacent to IH-35 east to Cape Road;
2. Payment of a parkland development fee of a maximum of \$75,000 as contribution for the construction of off-site parking facilities;
3. Dedication of up to 35 feet of ROW along Cape Road, as necessary, to provide for adequate space of on-street parking;
4. Construction of 12 spaces of on-street parking located on Cape Road adjacent to the project site;

5. Striping of a pedestrian crossing across Cape Road to provide a connection from Stokes Park to the above referenced trail; and
6. Installation of a security gate or bollards at trail end on Cape Road to prevent vehicular access to dedicated parkland area, except for emergency and maintenance vehicles.

The applicant is proposing to provide a minimum 10-foot pedestrian access easement east from IH-35 along the property boundary and then south along the property line to the trail, which will allow connectivity to the City pedestrian trail along IH-35. Prior to the approval of the Final Plat of the subject property the terms of the access easement shall be established and the executed. The construction of the off-site parking facilities as indicated in Item #2 above will be the responsibility of the City. Prior to the recordation of the plat, all park improvements will need to be engineered and constructed or will need to be paid for.

Environmental and Water Quality

The intent of a Planned Development District is to provide a higher quality development for the community than would result from the use of conventional zoning districts [Section 4.2.6.1(a)]. This is particularly important in an area that is ecologically sensitive or has topographical features. The location of the property, adjacent to the San Marcos River, requires great care taken in regards to stormwater best management practices (BMPs). The PDD proposes to utilize a combination of traditional BMPs and LID practices to accomplish the commitment to remove a minimum of 85% Total Suspended Solids (TSS). Staff recommends that the applicant itemize the structural and non-structural LID practices that will be focused on on-site, distributed, at the source controls, per the City of San Marcos Green Infrastructure – LID Practices Manual. In addition to itemizing the above, Staff recommends that the end of network of structural and non-structural LID BMPs be itemized as well.

Impervious Cover

The maximum impervious cover for the entire 45 acres is 30 percent. The applicant has proposed to cluster the development. The Detailed Illustrative Conceptual Plan, shown as "Exhibit D" shows some of the parking elements as well as what appears to be amenities of the community (i.e. pool and clubhouse) will be constructed in the 100-foot Buffer Zone. Staff recommends the applicant state in the PDD that pervious material will be used for the parking and the pool area in the Buffer Zone.

Streetscape

The PDD proposes a layout that fronts buildings on River Road and Cape Road with a street landscape buffer with street trees and parking wrapped with buildings located on the interior of the site. It also proposes a 6-foot wide sidewalk along River Road with street trees. These trees will be spaced at 1 tree for every 30 linear feet and pedestrian scale lighting is proposed. The PDD also proposes entrance drives will align with focal points in the development such as a landmark tower or landscape feature.

Maximum Block Length

The PDD, as proposed, exceeds the maximum block length as required in Section 7.4.1.4(j) of the LDC. This requirement is intended for the health and safety of residents of any development. "Exhibit D" shows the development having two entrance/exit driveways. While the Project Site does not meet the intent of Section 7.4.1.4(j), two internal connection points are created, which provide for alternate routes for emergency access.

Planning Department Analysis:

In March 2012, the Planning and Zoning Commission tabled a request to rezone the subject property from FD to MF-12 with the direction a PDD be negotiated and for the applicant to discuss the project with the neighborhood. The rezoning and land use amendment requests were subsequently withdrawn. A

series of public meetings were held by the applicant following the withdrawal of the requests. A request for a PDD was submitted in May 2012. That submittal was revised on September 11, 2012 when the applicant added the 5.64 acre Stokes Tract at the corner of River Road and Cape Road to the original PDD boundary.

Staff has reviewed the request against the criteria for spot zoning and has determined that the request **does not** meet the criteria to be considered spot zoning. The evaluation is below:

- (1) Is the property suitable for use as presently zoned?

Staff evaluation: The property is currently zoned Future Development which could only be developed with lots that are a minimum of 2-acres. This zoning designation is intended to provide areas for land that is relatively undeveloped or agricultural in nature. It is also the default district for newly annexed land. The property could be developed as a variety of single-family housing and duplex housing but the current Future Land Use Designation states approximately 35%, or 15.8 acres, of the property as suitable for Medium Density Residential.

- (2) Has there been a substantial change of conditions in the neighborhood surrounding the subject property?

Staff evaluation: No. The neighborhood surrounding the property has not undergone a substantial change of conditions.

- (3) Will the proposed rezoning address a substantial unmet public need?

Staff evaluation: No. The proposed rezoning will not address a substantial public need that has gone unmet.

- (4) Will the proposed rezoning confer a special benefit on the landowner/developer and cause a substantial detriment to the surrounding lands?

Staff evaluation: The owner would receive no special benefit. The subject property is located within the San Marcos River Corridor. Special attention is needed to prevent substantial detriments to such an ecologically sensitive area. The PDD will need to propose itemized lists of intended BMPs for mitigation.

- (5) Will the proposed rezoning serve a substantial public purpose?

Staff evaluation: The proposed parkland dedication of 20 acres along with the park improvements would serve a public purpose.

The intent of a Planned Development District is to provide a higher quality development for the community than would result from the use of conventional zoning districts [Section 4.2.6.1(a)]. The proposed use of bicycle parking, restricting the height of the units to 3-stories, the proposed parking landscaping, the streetscape along River Road, the architectural standards, the dedication of approximately 20 acres of land along with improvements for parking for the parkland and the construction of a trail and on street parking with a payment of \$75,000 toward additional park parking were all negotiated as part of achieving a higher development than what is required in the LDC.

Staff reviewed the request against the criteria the Planning and Zoning Commission would use to decide whether to approve, approve with modifications, or deny a petition for a PDD. Staff found that the request **did meet** the criteria for the applicability for a PDD to be utilized. The review of the applicability criteria is below:

- (1) The extent to which the land covered by the proposed PDD fits one or more of the special circumstances in Section 4.2.6.1 warranting a PDD classification.

Staff evaluation: The property fits the description of 4.2.6.1(b)(1): The land is located in close proximity to established residential neighborhoods where conventional zoning classifications may not adequately address neighborhood concerns regarding the quality or compatibility of the adjacent development, and where it may be desirable to the neighborhood, the developer or the City to develop and implement mutually-agreed, enforceable development standards;

4.2.6.1(b)(2): The land, or adjacent property that would be impacted by the development of the land, has sensitive or unique environmental features requiring a more flexible approach to zoning, or special design standards, in order to afford the best possible protection of the unique qualities of the site or the adjacent property; and

4.2.6.1(b)(7): The land is of such a character that it is in the community's best interest to encourage high quality development through flexible development standards to further the goals and objectives of the City's Master Plan.

- (2) The extent to which the proposed PDD furthers the policies of the Master Plan generally, and for the sector in which the proposed PDD is located.

Staff evaluation: The review of this question needed more in-depth detail and is discussed later in this report.

- (3) The extent to which the proposed PDD will result in a superior development than could be achieved through conventional zoning classifications.

Staff evaluation: In short, the PDD contains enhancements in water quality, streetscape improvements, bicycle parking, exterior design standards and parkland dedication and parking. The request is superior in these regards to a development meeting the minimum standards for MF-12. The majority of the project site is designated on the Future Land Use Map as Medium Density Residential. MF-12 is the highest zoning classification allowed under Medium Density Residential.

- (4) The extent to which the proposed PDD will resolve or mitigate any compatibility issues with surrounding development.

Staff evaluation –The development will provide a neighborhood scale building height however the massing of the complex as a whole is overwhelming to the character of the existing neighborhood. The site does have the ability to support a neighborhood commercial use as well that could help eliminate traffic by providing services to existing citizens in the area.

- (5) The extent to which the PDD is generally consistent with the criteria for approval of a watershed plan for land within the district.

Staff evaluation – A Qualified Watershed Protection Plan is in review. The PDD proposes to remove 85% of Total Suspended Solids through the use of traditional BMPs and LID practices.

- (6) The extent to which proposed uses and the configuration of uses depicted in the Concept Plan are compatible with existing and planned adjoining uses;

Staff evaluation – While the area to the north of the project site is predominately single-family, there are pockets of medium and high density residential directly across the street, MF-12 and MF-24. The proposed PDD is compatible with those areas.

- (7) The extent to which the proposed development is consistent with adopted master facilities plans, including without limitation the water facilities, master wastewater facilities, transportation, drainage and other master facilities plans;

Staff evaluation – No variation from adopted plans is proposed.

- (8) The extent to which the proposed open space and recreational amenities within the development provide a superior living environment and enhanced recreational opportunities for residents of the district and for the public generally.

Staff evaluation –The dedication of the 20 acres of parkland to the City along with the proposed trail and parking area provides the entire area access.

Staff reviewed the extent to which the proposed PDD furthers the Goals for the sector in which the proposed PDD is located. Staff found that the request supports most of the Sector 6 Goals but that there were a few Goals of Sector 6 that the request did not support. The review is below:

Staff evaluation: The request for a PDD supports the following Sector 6 Goals:

- 1. Walkable, pedestrian-friendly neighborhoods. The streetscape that has been negotiated as part of the PDD allows for street trees (1 tree for every 30 linear feet) along with pedestrian scale lighting. The PDD also allows for the design of building wrapped parking so the neighborhood across River Road is not forced to look at a parking lot.*
- 2. Context-sensitive street design giving equal value to vehicular movement, community aesthetics, pedestrian and cyclist safety. Again, the streetscape will add to the context-sensitive street design. A slowing effect occurs when buildings are brought forward toward the street, as shown in the Illustrative Detailed Concept Plan. River Road has been restriped, adding a bike lane, by the City.*
- 3. Preserved & enhanced visual character through variety of design requirements. While the community preference would be to preserve the area as open space, Architectural standards were negotiated in the PDD. The applicant has agreed to the use of four-sided design as part of the exterior construction standards.*
- 4. Improved open space and recreational opportunities. Approximately 20 acres of parkland was negotiated through the PDD. Along with the dedication of the land, the applicant has agreed to construct parking improvements and a payment of \$75,000 for offsite park parking, along with a decomposed granite trail.*

The request for the PDD does not support the following Sector 6 Goals:

- 1. Interconnected streets in future development. The project does not propose any internal streets within the project site but rather internal drive isles.*
- 2. "Neighborhood friendly" development mitigating negative impacts of higher intensity uses. The project does not bring any neighborhood services to the area and will be gated from the community. There is a shortage of neighborhood services in the area which means that residents will have to drive to other parts of town for daily services. This will lead to an increase in traffic in the area.*

Following the review of the request against the Sector 6 Goals, staff reviewed the extent to which the request furthers the policies of the Master Plan generally.

Staff found that the request **supported** the following Master Plan Goals:

- 1. Policy LU-3.5: The City shall encourage community-based elementary schools and parks which are located centrally and within walking distance of any section of a neighborhood. The dedication of the parkland is somewhat centrally located in the city and is within walking distance of not only the proposed project site but the neighborhood to the north.*
- 2. Policy LU-3.8: The City shall encourage land use patterns that reflect inward functioning neighborhoods. The interior of the neighborhood units will generally contain low or, at the most, medium density uses. Heavy traffic generators, such as apartments or commercial*

uses, will be located outside neighborhoods along the designated arterials in corridors of intensified development. **The project site is located outside a neighborhood along a designated arterial. There is multifamily in the area north of the property already.**

3. Policy LU-3.15: The City shall encourage physical buffers, such as permanent open space, land uses that are transitional and unobtrusive, landscaping, fencing, or walls be used, as appropriate, between residential areas and nonresidential areas, and between residential areas of different densities except where mixed land uses are desired. **To act as transitions, the project site is proposing streetscape on River Road and has the San Marcos River on the opposite side.**
4. Policy LU-4.1: The City shall determine the need for multifamily dwelling units and shall ensure that the location of these units is compatible with adjacent land uses and is properly buffered and adequately served by roads and public utilities. **Streetscape is proposed and can serve to soften the buildings from the roadway and the neighborhood to the north.**
5. Policy LU-4.3: The City shall encourage medium and high density residential developments to have direct access to at least collector width streets to accommodate the traffic volumes and turning patterns generated by high concentrations of people. They should also be located near major arterials. Low density residential development should not be impacted by heavy traffic generated by medium and high density areas. **The project site has access to the frontage road of IH-35 and River Road which is designated as a Minor Arterial on the City's Thoroughfare Plan.**

Staff found that the request **does not support** the following Master Plan Goals:

1. Policy LU-3.2: The City shall provide safe and adequate housing opportunities to meet the different housing needs of all income groups of the City's present and future populations. **The project is a student housing development. It is not a different housing type within the City of San Marcos other than the adjacent natural amenities.**
2. Policy LU-3.4: The City shall provide, within the framework of the Future Land Use Plan, a wide choice of owner-occupied and rental housing types that will give adequate housing to families and individuals of all income levels. **The project is targeted to student housing and does not offer the intended wide range of owner-occupied and rental housing types to families and individuals of all income levels. The project is adding to the large market of student housing apartments already constructed.**
3. Policy LU-3.12: The City shall encourage land uses which are compatible with and support the neighborhood, such as neighborhood shopping centers. Such uses shall be located on the periphery of the neighborhood. **The project as proposed does not support the neighborhood. It is solely a student housing community; there are no neighborhood services proposed in this project. However, the site has the ability to meet this goal.**
4. Policy LU-4.2: The City shall encourage residential areas, especially higher density uses, have access to shopping, recreation, and work places that are convenient not only for automobile traffic but also for foot and bicycle traffic in order to minimize energy consumption, air pollution, and traffic congestion. **There are no areas for shopping and work that are proposed with the project. There are very limited options for shopping in the area as a whole.**
5. Policy LU-5.1: The City shall preserve the single family character of the existing neighborhoods and the small town atmosphere of the city as a whole. **The project does not meet this land use policy. However, no development would meet this unless it was either single-family homes or smaller scaled development with neighborhood commercial uses. The Future Land Use designation for the property is either Medium Density Residential or Commercial, with the exception of the piece at the intersection of Cape Road and River Road which is Very Low Density Residential.**

There is a very real concern with flooding in the area. In times of heavy flooding the backwater from the Blanco River is what causes the most destructive issues. These flooding concerns are not adequately addressed within the PDD and must be addressed during the site plan process in order to achieve the development. Also, the student housing product proposed is not a new housing type in San Marcos. The City is in need of a more diversified housing stock. This project does not bring any neighborhood services, which are lacking, to the existing neighborhoods. The request does not meet the land use policy outlined in the Horizon's Master Plan LU-5.1. The development of apartments does not meet this land use policy. The only way that this policy could be met is if the project was a single family development or development on a smaller scale, such as townhomes. The area could be well suited for a development of townhouses or condominiums along with a neighborhood center, where one would find small, daily needed goods and service. Condominiums and alternative single family homes are housing types that are not prevalent in San Marcos and could fit well within this site.

Planning Department Recommendation	
<input type="checkbox"/>	Approve as submitted
<input type="checkbox"/>	Approve with conditions or revisions as noted
<input type="checkbox"/>	Discussion only
<input type="checkbox"/>	Denial
<input checked="" type="checkbox"/>	No recommendation

Prepared by:

Alison Brake

Planner

October 24, 2012

Name

Title

Date

The Woodlands of San Marcos

The Dovetail Companies

Planned Development District Standards

*Approximately 44.67 acres of land out of the
JM Veramendi Survey No. 2 Abstract 17,
City of San Marcos, Hays County, Texas*

**Approved under City of San Marcos
Land Development Code Chapter 4, Article 2, Division 6**

Submitted:

September 11, 2012

Revised:

October 11, 2012

Approved:

Table of Contents

Section 1:	Introduction, Project Location and Description	3
Section 2:	Existing Property Conditions	3
Section 3:	Proposed Zoning and Land Use Designation	4
Section 4:	Dimensional and Development Standards	5
Section 5:	Permitted, Conditional and Prohibited Uses	5
Section 6:	Development Standards	6
6.01	Landscape Standards	6
6.02	Parking Standards	6
6.03	Exterior Construction Standards	6
6.04	Parkland Dedication	7
6.05	Environmental, Water Quality & Detention Standards	8
6.06	Streetscape	11
6.07	Community Rules and Regulations and Property Management	11
6.08	Occupancy Restrictions	11
6.09	Tree Preservation & Mitigation Requirements	11
6.10	Lighting Requirements	12
6.11	Dumpsters	12
6.12	Maximum Block Length	12
Section 7:	Miscellaneous	13
Section 8:	Table of Code Modifications	14
Section 9:	List of Exhibits:	16

Section 1: Introduction, Project Location and Description

Planned Development Districts (PDD's) provide one of the best structures for producing a unified and physically cohesive development. PDD Districts are intended to encourage flexible and creative planning, to ensure the compatibility of land uses, to allow for adjustment to the changing demands to meet the current needs of the community and to result in a higher quality development for the community than would result from the use of conventional zoning districts.

The Woodlands of San Marcos (the Project) is located on the east side of IH 35, south of River Road, west of Cape Road and north of the San Marcos River. The Project Site contains approximately 45 acres of land, as described in Exhibit "A", attached hereto and made a part hereof, that have been historically known as Cape's Camp and Thompson's Island and owned by two historical San Marcos families. The primary entrance to this development will be provided through a connection to the IH 35 frontage road with a secondary entrance/exit onto River Road.

The Project will consist of multiple-story, multifamily attached residential dwellings and a significant amount of open space areas. Attached residential dwellings are dwellings that contain 2 or more separate and independent dwelling units within a single structure sharing a common wall. The Project shall be restricted to a maximum of 306 units and 1,000 bedrooms. The occupancy of the multifamily units shall be restricted to one person per lease per bedroom. The Concept Plan provided as Exhibit "B", attached hereto and made a part hereof, illustrates the general location of the uses within the project. Exhibit "C" is an aerial of the Project Site.

A Detailed Illustrative Conceptual Plan has been included as Exhibit D. This plan is intended to illustrate the proposed layout of the project site. Building locations, parking layout, etc. may be modified during the detailed engineering and site planning phase so long as the overall project does not exceed the number of units and bedrooms indicated herein and the streetscape along River Road is maintained.

This Project includes the proposed dedication of approximately 20 acres of land including approximately 10 acres known as Thompson's Island, all of the area contained within the floodplain as well as the land contained within the Water Quality Zone in accordance with Watershed Protection Plan. The dedication of this land will provide for direct connectivity between the existing Stokes Park City Park on Cape Road and existing City owned parkland on the west side of IH-35.

The Project proposes to incorporate various innovative urban oriented and environmentally conscious features including Low Impact Development (LID) practices for water quality, site and building layouts that preserve existing tree canopy, especially specimen trees, and enhanced streetscape with street trees and a shared path to allow for pedestrian connectivity from existing and future City parkland on both sides of IH 35.

Section 2: Existing Property Conditions

The Project is being developed between IH 35 and Cape Road and between River Road and the San Marcos River on predominantly agricultural land. Approximately 27 acres of the project site is flat, upland area along River Road. The remainder of the Project Site is predominantly

native riparian terrain that slopes gently toward the River. This project is located within the San Marcos River Corridor and is subject to all regulations of that ordinance.

The Project Site is primarily zoned Future Development (FD) with a limited amount of Community Commercial zoning along the IH 35 frontage. The FD District is intended to provide for areas for land that is undeveloped and/or agricultural in nature and is also a default district for newly annexed land that is not yet ready to be zoned for a particular intended use.

The Future Land Use Map (FLUM) designates the Project Site for a mixture of Commercial, Medium Density Residential (MDR), Very Low Density Residential (VLDR) and Open Space land uses. The majority of the project site is designated as MDR. The Commercial designation is located at the northwest corner of the project site adjacent to IH 35 and River Road. The VLDR designation is located at the corner of Cape Road and River Road. The Open Space designation is located generally along the San Marcos River and its floodplain area.

The Project Site has historically been held in an interim zoning classification of FD with limited development options. This zoning classification is intended to be applied to agricultural land until such time that a specific development is proposed for the property. The proposed development of the property for a medium density multifamily project is consistent with the existing MDR FLUM designation.

Section 3: Proposed Zoning and Land Use Designation

The Project Site consists of approximately 45 acres with a proposed maximum 306 units and 1,000 bedrooms. The appropriate base zoning for this PDD is the Multiple-Family Residential (MF-12) District which is consistent with the FLUM designation of MDR with an overall density of 0-12 units per acre. The MF-12 District is intended for development of multiple-family, apartment residences at not more than 12 units per acre. This district should be located adjacent to a major thoroughfare and may serve as a buffer between low or medium density residential development and nonresidential development or high-traffic roadways.

River Road is designated as a minor arterial on the City's Thoroughfare Plan. Across River Road from the Project Site is a variety of uses including low density single and multiple family dwellings, medium density multiple family residential and high density multifamily residential. The majority of the developable area of the Project Site is currently designated as MDR which is an appropriate land use designation for the development of the Project Site. The Commercial land use designation on the Project Site is located in an area with limited interstate frontage and has a significant area designated as Public over the area of an existing lift station. The lack of adequate commercial frontage and the division of the area for the existing public utilities makes the existing Commercial area unsuitable for development in accordance with the existing FLUM designation. The area designated as VLDR on the corner of Cape Road and River Road is located on the opposite corner from an area with existing high density multifamily residential development. While a FLUM change to MDR for this corner is required to comply with the proposed MF-12 base zoning designation, no additional density is being proposed for the development of this Project as a result of this change.

While the base zoning district of MF-12 has specific regulations within the City of San Marcos Land Development Code (LDC), this PDD contains additional restrictions to limit the types of

uses and other applicable dimensional and development standards. The specific uses and development standards for the base zoning district are outlined in the following sections.

Section 4: Dimensional and Development Standards

Dimensional/Development Standard	MF-12
Lot Area, Min. Sq. Ft.	N/A
Lot Area, Max. Sq. Ft.	N/A
Units per Acre, Max/Gross Acre	12.0
Lot Frontage, Min. Feet	40
Lot Width, Min. Feet	60
Lot Depth, Min. Feet	100
Front Yard Setback, Min. Feet	10
Side Setback, Interior, Min. Feet	10
Side Setback, Corner, Min. Feet	15
Rear Setback, Min. Feet	10
Building Height, Max. Stories	3*
Impervious Cover, Max. %	30% / 75% **
* Stories may not exceed 14 feet in height from finished floor to finished ceiling.	
** 30% maximum Impervious Cover over the total gross acreage; 75% maximum impervious cover in the clustered MF-12 development area.	
Balconies above the first floor may be permitted to overhang into the applicable setback provided, however, that no balconies may extend beyond the property boundary.	

Section 5: Permitted, Conditional and Prohibited Uses

Structures, land or premises shall be used only in accordance with the use(s) permitted in the following use schedule and subject to compliance with the dimensional and development standards for the applicable tract and all other applicable requirements of this PDD.

The uses permitted on the Project Site shall be only those uses identified in this section. In the event that a proposed use is not specifically identified within this section, a determination regarding the classification of new and unlisted uses shall be in accordance with Section 4.3.1.1 of the LDC.

TYPES OF LAND USES
Multiple-Family Residential Dwellings (primary use)
Accessory Building/Structures, in connection with the primary multiple-family use
Accessory and Customarily Incidental uses in connection with the primary multiple-family use including, but not limited to, health/physical fitness center, technology/data center, clubhouse/gathering area, amenity center, laundry facilities

Section 6: Development Standards

6.01 Landscape Standards

The Project Site shall meet or exceed the minimum requirements of Chapter 6, Article 1, Division 1 of the City of San Marcos LDC for landscaping. The landscape standards for the Project that will exceed the requirements of the LDC are outlined in this Section 6. For the purpose of this PDD, landscape areas shall be considered those pervious areas contained within the Project Site containing living plant material including, but not limited to, trees, shrubs, flowers, grass or other living ground cover or native vegetation and that are not otherwise dedicated as parkland in accordance with Section 6.04 of this PDD.

Where possible, trees within the Project Site that are intended for removal should be relocated utilizing accepted transplanting or relocation practices and may be counted towards the tree preservation credits on the Project Site.

All landscape areas shall be provided with an irrigation system designed by a Texas Licensed Irrigator consisting of one of, or a combination of, an automatic underground spray or drip irrigation system or a hose attachment in accordance with the City of San Marcos LDC. No irrigation shall be required for undisturbed natural areas or undisturbed existing trees.

6.02 Parking Standards

Parking requirements shall comply with all requirements of Chapter 6, Article 2 of the City of San Marcos LDC as follows:

Multifamily: 1.05 spaces per bedroom

Parking rows cannot extend for greater than 10 spaces without an interrupting landscape island.

In addition to the proposed vehicle parking, the project site shall provide bicycle parking spaces equivalent to a minimum of 10% of the bedroom count. To avoid unattractive visual clutter, no bicycles may be hung from the ceiling of the front porch or a front second story balcony, if provided.

6.03 Exterior Construction Standards

The standards and criteria contained within this section are applicable to all portions of the Project Site. These standards are intended to supplement any requirements of the City's LDC.

1. Facades: Facades must be articulated by using, wall planes, arrangement, or change in material to emphasize the façade elements. Exterior wall planes may be varied in height, depth or direction. Design elements and detailing, including the presence of windows and window treatments (for walls that face the public right-of-way), trim detailing, and exterior wall material, must be continued completely around the structure. Doors and windows must be detailed to add visual interest to the façade. All facades or sides of a building shall be designed

with architectural style and building materials consistent with the front façade. Lesser quality materials or details for side or rear walls are prohibited.

2. **Materials:** The following materials are required for design: brick; cedar; stone, stucco, split face concrete masonry units (CMU), faux stone or brick (stone/brick veneer), finished concrete, and lap-sided fiber cement. The use of more than one material on individual buildings is encouraged, however, heavier materials such as brick or stone should always be placed on the bottom of the structure, with lighter materials such as wood or stucco above.
3. **Building entries:** Building entries next to a public street, private drive or parking area must be pedestrian scaled in relation to building size. Doors, windows, entranceways, and other features such as corners, setbacks, and offsets can be used to create pedestrian scale. Doors shall be fully articulated with the use of such elements as pilasters, columns, fanlights and transoms. Primary entries must be fully visible and easily accessible.
4. **Windows and transparency:** All exterior walls and elevations on all floors must contain windows except when necessary to assure privacy for adjacent property owners. Windows should be located to maximize the possibility of occupant surveillance of entryways and common areas. Windows shall be fully articulated with at least one of the following: sills, lintels, framing, and/or shades, etc.
5. **Mechanical equipment screening:** Rooftop mechanical equipment must be hidden or screened with architecturally integral elements at least as high as the equipment to be screened. Ground mounted mechanical equipment must be hidden or screened with architecturally integral wing walls and/or landscaping. Mechanical equipment must be located where their acoustics will not be disruptive to residents. Solar panels are exempt from mechanical equipment screening standards.
6. **Finishes:** All finishes and sealants used internally and externally shall be low-VOC. This shall include paints, glazes, floor seals, and built-in components such as countertops.
7. **Shading:** All windows, with the exception of those facing north, shall be provided with some form of shading. Acceptable forms of shading include solar screens, awnings, eaves measuring at least 12" deep, and lintels.
8. **Accessory Structures:** All accessory structures shall be constructed in such a manner so as to be compatible in look, style and materials as the primary structures on the project site. Alternative designs for accessory structures may utilize different styles and materials than the primary structure upon review and approval by the Director of Development Services, appealable to the Planning and Zoning Commission.
9. **The Building design will incorporate a minimum of 3 Sustainable Design Standards** utilizing high efficiency lighting fixtures, a variety of energy-star rated appliances, double-paned low-E windows, occupancy sensors and automatic shut-off fixtures in public areas to reduce energy demand, day-lighting, low-flow toilets and plumbing fixtures in all units, and non-toxic materials and low VOC paints that promote healthy indoor air quality.

6.04 Parkland Dedication

Parkland dedication and/or payment of any fee in lieu of dedication is required in accordance with the requirements of the City of San Marcos LDC.

Parkland dedication is calculated in accordance with Section 7.6.1.2 as follows:

5 acres (multiplied by) 306 units (multiplied by) 2.1 residents per unit (divided by) 1,000 which equates to 3.21 acres of required parkland dedication.

The area of land commonly known as Thompson's Island which contains approximately 10 acres of land shall be dedicated as public parkland. In addition, all of the area located within the floodway as well as the area contained within the Water Quality Zone as indicated on the Watershed Protection Plan shall be dedicated as public parkland. The total combined area of proposed parkland dedication is approximately 20 acres.

In addition to the above indicated parkland land dedication, the Project Site owner shall provide for the following parkland development improvements:

1. Construction of a pedestrian trail located within the 100 foot Water Quality Zone from the property boundary adjacent to IH-35 east to Cape Road.
2. Payment of a parkland development fee of a maximum of \$75,000 as contribution for the construction of off-site parking facilities.
3. Dedication of up to 35 feet of ROW along Cape Road, as necessary, to provide for adequate space for on-street parking.
4. Construction of 12 spaces of on-street parking located on Cape Road adjacent to the project site.
5. Striping of a pedestrian crossing across Cape Road to provide a connection from Stokes Park to the above referenced trail.
6. Installation of a security gate at trail end on Cape Road to provide for emergency access to dedicated parkland area.

The construction of the parking facilities as indicated above shall be the responsibility of the City.

The Project Site shall provide a minimum ten foot (10') pedestrian access easement east from IH-35 along the property boundary and then south along the property line to the proposed trail in the Water Quality Zone to allow connectivity to IH-35.

6.05 Environmental, Water Quality & Detention Standards

On-site water quality measures to control and treat stormwater runoff will be required with the development of this site in accordance with the City of San Marcos LDC as well as enhancements described herein. Development of the Project will adhere to a standard for removal of a minimum of 85% of the increase in total suspended solids (TSS) after full development of the Property over the baseline existing conditions prior to development of the Property. The 85% TSS removal will be accomplished utilizing a combination of traditional Best Management Practices (BMP's) and approved LID practices designed in accordance with the TCEQ Edwards Aquifer Protection Program and the City of San Marcos LID manual. All BMP's shall be designed and maintained by the property owner to achieve the performance standard of 85% TSS removal. BMP's for treatment of stormwater proposed for this project may include, but shall not be limited to water quality ponds, rain gardens, bioswales, biofiltration ponds and native drought-tolerant plants for landscaping. Final design of all LID facilities/practices shall be subject to review and approval by the City. Approved vegetative buffers and filters shall not include invasive species. The BMP's shall be located as close as possible to the source of pollutants. Pollutant removal of 85% TSS shall be achieved by structural and non-structural LID practices focused on on-site, distributed, at the source controls, per the

City of San Marcos Green Infrastructure – LID Practices Manual. End of pipe stormwater management systems shall only be used at the end of the network of structural and non-structural LID BMPs.

LID techniques allow for greater development potential with less environmental impacts through the use of smarter designs and advanced technologies that achieve a better balance between conservation, growth, ecosystem protection, public health, and quality of life. Where feasible to achieve maximum water quality standards, the development of the Project shall incorporate various LID techniques, in one form or another, that will work in conjunction with traditional BMP's to achieve the 85% TSS removal indicated.

The Project Site is limited to a maximum of 30% impervious cover of the total gross acreage of the Project Site in accordance with the requirements of the San Marcos River Corridor limitations under the LDC. Impervious cover may be clustered onto any portion of the Project Site, so long as the total impervious cover does not exceed 30% over the entire Project Site. The Project may incorporate pervious paving materials such as pervious pavers, pervious concrete (grasscrete or ecocrete) or other pervious paving materials where appropriate. For pervious paving materials used, technical documentation demonstrating the pervious nature of the specific system or systems as installed shall be provided and approved by the City.

During the construction process, stabilization and protection measures shall be utilized to limit site disturbance to the construction perimeter (the limits of construction). The type and adequacy of the erosion and sedimentation controls shall be subject to approval of the Director of Development Services prior to installation. All erosion and sedimentation controls shall be monitored and maintained at all times during the construction process. A combination of various approved erosion and sedimentation control measures will be implemented where appropriate.

Discharge of sediment from the construction site shall not be permitted. It shall be the responsibility of the Project Site owner and its contractors to clean up any discharge of sedimentation from the Project Site. No construction shall begin until all required City Plans are approved and a Stormwater Pollution Prevention Plan (SWPPP) is produced by the developer and approved by the City. An erosion and sedimentation control program shall include construction sequencing and sedimentation/erosion control measures to be implemented during construction. The type and adequacy of the erosion and sedimentation controls shall be subject to City approval prior to installation. All erosion and sedimentation controls shall be monitored and maintained at all times during the construction process, and shall be inspected on an appropriate frequency, as specified in the SWPPP, and results shall be available for inspection by the City at all times.

A maintenance agreement for the permanent BMPs on the site written according to Sections 5.1.1.7 and 5.1.1.8 of the LDC shall be submitted. The maintenance agreement shall include provisions for testing and monitoring BMPs to make sure required volumes and other characteristics are still intact as originally designed. An easement for inspection and monitoring purposes in favor of and in a form acceptable to the City must be provided by the Project Site owner.

The Project Site is located entirely within the San Marcos River Corridor. In addition to the above environmental and water quality standards, the following standards from Chapter 5, Article 3 of the City's LDC shall also be applicable to the property.

Water quality detention or sedimentation basins, if required, shall be situated and constructed to capture and hold at least the first one-half inch of runoff from all impervious cover. All subsequent runoff in excess of the design capacity of the basins shall bypass the basins and remain segregated from the contained runoff waters in a peak shaving basin up to the capacity specified in the Austin Drainage Criteria Manual.

The design of all water quality basins, if required, shall allow an average residence time of 24 hours for the first one-half inch of runoff from all impervious cover. The design of all water quality basins shall incorporate efficient removal of contaminants, including but not limited to lead, zinc, iron, total phosphorous, total nitrogen, total suspended solids, and fecal coliform bacteria generated as a consequence of the SMRC development for which a basin is designed as approved by the Engineering Director in accordance with the Contaminant Removal Guidelines of the City of San Marcos. These basins shall be maintained at all times so that efficient removal of the contaminants is continuous.

Disposal of removed or filtered contaminants shall be as approved by the Engineering Director in accordance with the Contaminant Removal Guidelines of the City of San Marcos.

Input to and release from water quality basins shall utilize grass-lined swales and/or overland flow dispersion measures.

Natural drainage patterns shall be preserved whenever possible, and the loss of the previous character of the soil should be limited in order to prevent erosion and attenuate the impact of contaminants collected and transported by stormwater. Open surface drainage through grass-lined swales is preferred. Drainage objectives can best be accomplished by leaving portions of a subdivision in an underdeveloped and natural state and located to receive runoff from the developed areas for purposes of unchanneled, overland flow. The use of streets as the central drainage network is prohibited.

Construction of enclosed storm sewers and impervious channel linings are permitted only when the Engineering Director, on the basis of competent engineering evidence, concludes that the storm sewers or impervious linings are the only justifiable option available. If stormwater drainage systems and/or culverts are necessary, these systems shall be designed to mitigate their impact on water quality through the use of approved control strategies to control sediment, neutralize contaminants and dissipate energy by the use of multiple smaller outlets, whenever practical, by locating discharges to maximize overland flow and by any other strategies that will accomplish the objectives defined and discussed in the LDC.

Impervious cover on land within the San Marcos River Corridor outside a water quality zone shall be limited by the gradient of the land to be developed, as follows:

1. 30 percent on areas having a slope with a gradient of less than 15 percent; or
2. 20 percent on areas having a slope with a gradient of between 15 and 25 percent; or

3. Ten percent on areas having a slope with a gradient greater than 25 percent.
4. Credit shall be given for the use of pervious surfaces and materials in direct proportion to the pervious character of the material.

6.06 Project Layout and Streetscape

The project layout shall be designed to provide for buildings fronting on and addressing River Road and Cape Road, a street landscape buffer with street trees and building wrapped parking located on the interior of the Project Site. Additional buildings may be located and scattered through the interior of the project site as feasible.

A street landscape buffer shall be provided along River Road which includes a minimum six foot (6') sidewalk, street trees at a spacing of one (1) tree for every 30 linear feet, and pedestrian scale lighting. Street trees may be clustered together or distributed evenly along the street frontage so as to create an attractive and functional streetscape. Street tree species should be selected for tolerance to polluted and drought conditions, disease and pest resistance, biodiversity, and visibility. Any street trees provided shall be maintained by the property owner and must be replaced if dead or diseased. Where feasible, the property owner shall provide for seating benches and trash receptacles along River Road. Entrance drives should align with focal points in a development such as landmark towers or landscape features.

The Detailed Illustrative Conceptual Plan included as Exhibit D is intended to illustrate the proposed layout of the project site. Building locations, parking layout, etc. may be modified during the detailed engineering and site planning phase so long as the overall project does not exceed the number of units and bedrooms indicated herein, the design complies with the narrative design standards contained herein, and the streetscape along River Road is maintained.

6.07 Community Rules and Regulations and Property Management

The Project Site owner agrees to participate in the City of San Marcos Achieving Community Together (ACT) program and the requirements thereof.

6.08 Occupancy Restrictions

Occupancy of all units within this development shall be restricted to a maximum of one person per lease per bedroom. These occupancy restrictions shall not be applicable to families as defined in the City's LDC.

6.09 Tree Preservation & Mitigation Requirements

The Project Site is subject to the Tree and Habitat Protection requirements of the City's LDC. Any trees that are removed or damaged during development of the Project Site shall be mitigated on the Project Site as follows:

Tree Classification	Mitigation Ratio
Exempt Trees (per Section 5.5.2.1(b))	N/A
Trees less than 9" caliper	N/A
Trees within Building Footprint, within 10 feet of the Building Footprint or within Site Access Areas	In accordance with requirements of Section 5.5.2.2(g)

Protected Trees	1:1 caliper inch
Specimen Trees	2:1 caliper inch

To the greatest extent possible, the site layout and building locations on the Project Site shall avoid removal of preferred trees, especially specimen trees. The preservation of existing protected and specimen trees on the Project Site shall count toward mitigation requirements identified of this section. In the event that a tree designated for protection and preserved in accordance with this section dies within 3 years of issuance of certificates of occupancy on the Project Site, loss of such tree shall be mitigated in accordance with this section.

6.10 Lighting Requirements

The Project will provide lighting levels in conformance with LDC requirements and that are compatible with safety and industry standards.

1. Light levels: by illuminating landscape and vertical surfaces the project will achieve lighting comfort that requires lower lighting levels and yet offers full visibility and security.
2. Color of light: The project will only use lamps that provide warm color light with a range greater than 5,000 Kelvins. This is the color spectrum of incandescent light. It can be achieved by different means and it is generally less glaring and makes public spaces friendlier and more hospitable.
3. No glare: All light will be carefully down shielded utilizing Dark Sky technologies as to provide no glare to neighboring buildings, as well as pedestrians and motorist circulating around the building.

6.11 Dumpsters

The dumpster(s) for the Project shall be located within an enclosed area not visible from the street. The enclosed area shall be consistent in its design and materials with the rest of the Project. Maneuvering area shall be provided within the project for a truck to conveniently pick up and service the dumpsters. Separate dumpsters adequate for collection of solid waste materials and recyclables shall be required.

6.12 Maximum Block Length

Section 7.4.1.4(j) of the LDC indicates a maximum block length of 1,200 feet. The Project Site has approximately 2,000 feet of frontage on River Road. The topography, environmental and development constraints of the Project Site make the future development of a public roadway south of River Road, parallel to IH-35 unlikely. As a result, the development of the Project Site proposes to exceed the maximum block length indicated in Section 7.4.1.4(j) of the LDC and provide for a single block between IH-35 and Cape Road.

6.13 Texas State Bus Service

The property owner shall make every reasonable effort to coordinate with Texas State University regarding possible locations within the project site or along River Road for University bus stops.

Section 7: Miscellaneous

7.01 The Project Site Owner understands and acknowledges that the Project Site will be bound by the provisions of these development standards as though they were conditions, restrictions and limitations on the use of the Project Site under the City's LDC.

7.02 The Project Site Owner understands and acknowledges that any person, firm, corporation or other entity violating any provisions of these development standards shall be subject to all penalties that apply to violation of the City's LDC, as amended. The Project Site Owner further understands and acknowledges that any person, firm, corporation or other entity violating any provisions of these development standards shall be subject to a suit by the City for an injunction to enjoin the violation of these development standards as though they were conditions, restrictions and limitations on use of the Project Site under the City's LDC.

7.03 All obligations of the Project Site Owner created under these development standards are performable in Hays County, Texas and venue for any action arising under these development standards shall be in Hays County, Texas. These development standards will be construed in accordance with the laws of the State of Texas.

7.04 Nothing in these development standards, express or implied, is intended to confer any rights, benefits or remedies under or by reason of these development standards upon any person or entity other than the City of San Marcos and the Project Site Owner.

7.05 These development standards shall control the development of the Project Site and, to the extent such development standards modify, amend or supplement specific provisions of the City's Land Development Code, said development standards shall control. To the extent the City's Land Development Code is not specifically amended, modified or supplemented by these development standards, the City's Land Development Code or, as same may exist at the time of approval of these development standards, shall be applicable to and control the development of the Project Site.

7.06 Minor changes to the details contained within the Exhibits incorporated herein by reference which do not substantially and adversely change the Project and which do not alter the basic physical relationship of the Project Site to adjacent properties, including, but not limited to, permitted uses, layout of buildings, number and size of buildings, design of parking areas, etc., may be approved administratively by the Director of Development Services, subject to the requirements of the City of San Marcos LDC. Any changes not deemed to be minor changes by the Director of Development Services shall be deemed major changes and shall be resubmitted following the same procedure required by the original PDD application. In no case shall any proposed change be less than the requirements of these development standards without being resubmitted following the same procedure required by the original PDD application.

7.07 In case one or more provisions of these development standards are deemed invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provisions hereof and in such event, these development standards shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

Section 8: Table of Code Modifications

Standard	Required Standards (per City LDC)	Proposed Standards (per PDD Ordinance)	Modification Justification
Water Quality Standards	Requires 80% TSS removal (LDC Chapter 5)	Requiring 85% TSS removal Commitment to use of LID techniques for improved water quality Committing to use of TECQ Edwards Aquifer Program and San Marcos LID Manual	Exceeds City standards for TSS removal by 5% Potential to exceed City standards through use of LID
Tree Preservation & Mitigation	Mitigation for protected trees 1 – 2.5" caliper tree per tree removed Mitigation for specimen trees – 1:1 caliper ratio (LDC Chapter 5, Article 5)	Mitigation for protected trees – 1:1 caliper ratio Mitigation for specimen trees – 2:1 caliper ratio	Exceeds City's tree preservation requirements
Occupancy Restrictions	Not applicable in MF-12 District. (LDC Section 4.3.4.5)	Restricting occupancy of all units to one person per bedroom per lease	Providing occupancy restrictions exceeds code requirements
Parking Standards	1.05 spaces/bedroom for vehicle parking Bicycle parking not required (LDC Chapter 6, Article 2)	Meeting vehicle parking requirements Providing bicycle parking at 10% of vehicle parking	Bicycle parking exceeds LDC code requirements

Parkland Dedication	3.21 acres required (LDC Section 7.6.1.2)	20 acres provided Construction of parking facilities and contribution toward additional off-site parking facilities Construction of trail connecting from IH-35 to Cape Road	Exceeding parkland dedication requirements by over 16 acres Providing for construction and contribution of funds for parkland improvements
River Road Streetscape	Street tree plantings required (LDC Section 6.1.1.4)	In addition to existing requirements, providing for enhanced street tree planting requirements, berms, benches, trash receptacles and 6 foot sidewalk	Exceeding City standards for landscaping, benches, trash receptacles, wider sidewalks.
Block Length	Maximum of 1,200 feet (LDC Section 7.4.1.4(j))	Waived for River Road	Existing site development constraints limit ability for future public roadway between IH-35 and Cape Road.

Section 9: List of Exhibits:

- Exhibit A: Metes & Bounds Description
Exhibit B: Concept Plan
Exhibit C: Project Site Aerial
Exhibit D: Detailed Illustrative Conceptual Plan
Exhibit E: Architectural Renderings & Elevations

Exhibit A: Metes & Bounds Description

DESCRIPTION OF 44.67 ACRES, MORE OR LESS, OF LAND AREA IN THE J.M. VERAMENDI SURVEY NO. 2, ABSTRACT NO. 17, CITY OF SAN MARCOS, HAYS COUNTY, TEXAS, BEING ALL OF THAT TRACT DESCRIBED AS "SECOND TRACT-38.53 ACRES" IN A DEED FROM E. M. CAPE ET UX TO J. R. THORNTON ET AL DATED OCTOBER 11, 1967 AND RECORDED IN VOLUME 220, PAGE 169 OF THE HAYS COUNTY DEED RECORDS, SAID 38.53 ACRE TRACT BEING A PORTION OF THAT TRACT DESCRIBED AS SEVERAL TRACTS TOTALING 73.490 ACRES IN A DEED FROM MARY LOUISE CAPE THORNTON ET AL TO THORNTON FAMILY INVESTMENTS, L.P., DATED OCTOBER 23, 1998 AND RECORDED IN VOLUME 1471, PAGE 769 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS, BEING A PORTION OF THAT TRACT DESCRIBED AS 0.7027 ACRES IN A DEED FROM FLORENCE ALLYN BINGHAM TO THE CLARA LOUISE CAPE TESTAMENTARY TRUST DATED JULY 18, 2003 AND RECORDED IN VOLUME 2268, PAGE 483 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS, BEING ALL OF THAT TRACT DESCRIBED AS 0.023 ACRES IN A DEED FROM THE CITY OF SAN MARCOS TO JOHN J. STOKES DATED MAY 31, 1990 AND RECORDED IN VOLUME 831, PAGE 610 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS, BEING ALL OF THAT TRACT DESCRIBED AS "PROPERTY 2-0.607 ACRES" AND A PORTION OF THAT TRACT DESCRIBED AS "PROPERTY 1-6.52 ACRES" IN A DEED FROM JOHN J. STOKES AND FRANCES B. STOKES TO STOKES FAMILY PARTNERS, LTD., DATED AUGUST 10, 1992 AND RECORDED IN VOLUME 941, PAGE 675 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS, BEING ALL OF THAT TRACT DESCRIBED AS 5.230 ACRES IN A DEED FROM STOKES FAMILY PARTNERS, LTD., TO RAM CONSOLIDATED HOLDINGS, LLC DATED APRIL 19, 2007 AND RECORDED IN VOLUME 3181, PAGE 462 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a ¼" iron rod set in the north line of the Cape 38.53 acre tract for the northwest corner of that tract described as a 0.272 acre right-of-way, drainage and public utility easement in a deed from J. R. Thornton et al to the City

of San Marcos dated February 24, 1993 and recorded in Volume 978, Page 533 of the Hays County Official Public Records (said 0.272 acre tract being a portion of River Road) in the southeast line of that tract described as 0.69 acres in a deed from E. M. Cape to the City of San Marcos dated January 20, 1959 and recorded in Volume 179, Page 382 of the Hays County Deed Records;

THENCE leaving the **PLACE OF BEGINNING** as shown on that plat numbered 26582-12-6-b dated April 26, 2012 prepared for The Dovetail Development by Byrn & Associates, Inc., of San Marcos, Texas, with the southeast line of the City of San Marcos 0.69 acre tract and north line of the Thornton 38.53 acre tract and the City of San Marcos 0.272 acre easement, **N 45°19'50" E 9.58 feet** to a calculated point in the west line of River Road and the City of San Marcos 0.272 acre easement for the northeast corner of the Thornton tract and southeast corner of the City of San Marcos 0.69 acre tract;

THENCE leaving the City of San Marcos 0.69 acre tract with the east line of the Thornton tract and the City of San Marcos 0.272 acre easement and west line of River Road the following seven courses:

1. **S 15°50'29" E 91.63 feet** to calculated point for an angle point, from which an aluminum disc in concrete stamped "City of San Marcos" found for a Point of Curvature in the west line of the City Of San Marcos 0.272 acre easement bears **N 52°37'15" W 12.99 feet**,
2. **S 13°09'29" E 50.00 feet** to a calculated point for an angle point,
3. **S 10°08'29" E 50.00 feet** to a calculated point for an angle point,
4. **S 07°17'29" E 50.00 feet** to a calculated point for an angle point,
5. **S 04°28'29" E 50.00 feet** to a calculated point for an angle point, from which an aluminum disc in concrete stamped "City of San Marcos" found for a Point of Tangency in the west line of the City of San Marcos 0.272 acre easement bears **N 59°00'35" W 10.80 feet**,
6. **S 01°35'29" E 898.00 feet** to a calculated point for an angle point, from which an aluminum disc in concrete

stamped "City of San Marcos" found for an angle point in the west line of the City of San Marcos 0.272 acre easement bears N 13°09'06" W 43.27 feet, and

7. **S 02°40'39" E 403.68 feet** to a calculated point for the southeast corner of the Thornton tract and the City of San Marcos 0.272 acre easement and northeast corner of the aforereferenced Ram 5.230 acre tract and that 0.001 acre right-of way, drainage and public utility easement described in a deed from John J. Stokes to the City of San Marcos dated may 17, 1990 and recorded in Volume 831, Page 614 of the Hays County Official Public Records, said 0.001 acre tract being a portion of the Ram 5.230 acre tract;

THENCE leaving the Thornton tract and the 0.272 acre easement with the common east line of the Ram 5.230 acre tract and 0.001 acre easement and west line of River Road, **S 02°42'54" E 69.14 feet** to a ½" iron rod set for the south corner of the 0.001 acre easement and north corner of the previously mentioned Stokes 0.023 acre tract;

THENCE leaving the Ram 5.230 acre tract and the 0.001 acre easement with the common east line of the Stokes 0.023 acre tract and west line of River Road the following two courses:

1. **S 03°33'25" E 70.24 feet** to a ½" iron rod set for Point of Curvature, and
2. with a left-breaking curve having the following characteristics: delta angle=36°23'54", radius=273.57 feet, arc=173.79 feet, and a chord which bears **S 21°47'00" E 170.88 feet** to a ½" iron rod set in the northeast line of the previously mentioned Stokes Family 0.607 acre Property 2 tract for Point of Tangency;

THENCE leaving the Stokes 0.023 acre tract with the common northeast line of the Stokes Family 0.607 acre Property 2 Tract and southwest line of River Road, **S 39°57'45" E 155.34 feet** to a calculated point for the southeast corner of this description, the west corner of the intersection of River Road and Cape Road, the east corner of the Stokes Family 0.607 acre Property 2 Tract and that 0.007 acre easement described as Tract "B" in the previously mentioned deed to the City of San Marcos and the north corner of that tract described as 0.252 acres in a deed from J. M. Cape, Executor, to the Cape Family Limited Partnership dated December 15, 1992 and recorded in Volume 964,

Page 343 of the Hays County Official Public Records, (a portion of Cape Road being within the Cape Family 0.252 acre tract);

THENCE leaving River Road with the common southeast line of the Stokes Family 0.607 acre Property 2 Tract and northwest line of Cape Road and the Cape Family 0.252 acre tract the following two courses:

1. **S 47°30'33" W 131.31 feet** to a 1" iron rod found in concrete for an angle point, and
2. **S 62°26'11" W 73.20 feet** to an iron rod found for the southeast corner of the Ram consolidated 5.230 acre tract, the northwest corner of the Cape Family 0.252 acre tract, the southwest corner of the Stokes Family 0.607 acre Property 2 Tract, and the northeast corner of the Stokes Family 6.52 acre Property 1 Tract and that tract described as 5.576 acres in a deed from Stokes Family Partners, Ltd., to the Texas Parks and Wildlife Department dated December 31, 1992 and recorded in Volume 986, Page 793 of the Hays County Official Public Records, (the Texas Parks & Wildlife 5.576 acre tract being a portion of the Stokes Family 6.52 acre Property 1 Tract);

THENCE leaving the Ram 5.230 acre tract, the Stokes Family 0.607 acre Property 2 Tract and the Cape Family 0.252 acre tract entering the Stokes Family 6.52 acre Property 1 Tract with the north line of Cape Road and the Texas Parks & Wildlife 5.576 acre tract the following seven courses:

1. **S 83°19'26" W 86.99 feet** to a ½" iron rod found for an angle point,
2. **S 89°55'33" W 212.41 feet** to a ½" iron rod found for an angle point,
3. **S 87°22'11" W 62.47 feet** to a ½" iron rod found for an angle point,
4. **S 79°52'30" W 74.49 feet** to a ½" iron rod found for an angle point,
5. **S 66°58'21" W 50.00 feet** to a ½" iron rod found for an angle point,

6. **S 50°28'41" W 62.00 feet** to an iron rod with a plastic cap stamped "Survtext LLC" found for an interior north corner of the Texas Parks & Wildlife 5.576 acre tract, and

7. **N 38°18'56" W 80.83 feet** to an iron rod with a plastic cap found in the east line of the aforereferenced Thornton 38.53 acre tract for the southwest corner of the Ram 5.230 acre tract and an exterior northwest corner of the Texas Parks & Wildlife 5.576 acre tract;

THENCE leaving the Ram 5.230 acre tract and the remaining portion of the Stokes 5.62 acre tract with the common south line of the Thornton tract and north line of the Parks & Wildlife 5.576 acre tract the following five courses:

1. **S 81°00'08" W 15.52 feet** to a calculated point in a mill race for an angle point,
2. **S 27°08'39" W 79.08 feet** to an iron rod with a plastic cap stamped "Survtext LLC" found for an angle point,
3. **S 09°39'23" E 105.54 feet** to a hole in concrete found for an angle point,
4. **S 13°22'45" W 70.99 feet** to an iron rod with a plastic cap stamped "Survtext LLC" found in the occupied north line of Cape Road for an angle point, and
5. **S 41°55'14" W 64.62 feet** to an iron rod with a plastic cap stamped "Survtext LLC" found for an angle point,

THENCE continuing with the common south line of the Thornton tract and north line of the Stokes 5.62 acre tract, being in conflict with a small portion of the Parks & Wildlife 5.576 acre tract the following two courses:

1. **S 63°48'35" W 71.00 feet** to a ½" iron rod set for an angle point, and
2. **N 73°46'25" W 19.26 feet** to a concrete nail with an aluminum washer stamped "Byrn Survey" set in a concrete bridge in the approximate east line of the San Marcos River for the southwest corner of the Thornton tract and northwest corner of the Stokes 5.62 acre tract;

THENCE leaving the occupied Cape Road and the Stokes 5.62 acre tract crossing the Thornton 73.490 acre tract with the west line of the Thornton 38.53 acre tract being with the approximate east line of the San Marcos River the following fifty-six courses:

1. N 06°55'37" W 64.27 feet to a point for an angle point,
2. N 12°42'08" W 29.94 feet to a point for an angle point,
3. N 37°28'30" W 29.10 feet to a point for an angle point,
4. N 51°53'28" W 82.80 feet to a point for an angle point,
5. N 38°45'54" W 34.75 feet to a point for an angle point,
6. N 29°08'13" W 30.79 feet to a point for an angle point,
7. N 21°20'20" W 49.07 feet to a point for an angle point,
8. N 06°22'43" W 24.65 feet to a point for an angle point,
9. N 15°45'52" E 46.24 feet to a point for an angle point,
10. N 39°13'35" W 35.89 feet to a point for an angle point,
11. N 19°42'04" W 115.67 feet to a point for an angle point,
12. N 09°59'46" E 84.15 feet to a point for an angle point,
13. N 03°34'07" W 47.78 feet to a point for an angle point,
14. N 25°07'16" W 50.45 feet to a point for an angle point,
15. N 33°08'49" W 101.79 feet to a point for an angle point,
16. N 53°00'35" W 68.05 feet to a point for an angle point;
17. N 68°16'31" W 78.25 feet to a point for an angle point,

18. S 78°38'56" W 141.08 feet to a point for an angle point,
19. S 74°34'28" W 65.27 feet to a point for an angle point,
20. S 89°53'47" W 69.78 feet to a point for an angle point,
21. N 67°10'30" W 27.38 feet to a point for an angle point,
22. N 08°56'05" W 23.96 feet to a point for an angle point,
23. N 07°41'11" E 38.76 feet to a point for an angle point,
24. N 26°29'12" E 42.87 feet to a point for an angle point,
25. N 16°46'28" E 51.07 feet to a point for an angle point,
26. N 29°33'00" E 99.89 feet to a point for an angle point,
27. N 56°03'42" E 61.13 feet to a point for an angle point,
28. S 68°47'44" E 35.19 feet to a point for an angle point,
29. S 51°01'21" E 26.22 feet to a point for an angle point,
30. S 72°08'52" E 50.04 feet to a point for an angle point,
31. S 89°40'08" E 69.42 feet to a point for an angle point,
32. N 58°41'17" E 54.31 feet to a point for an angle point,
33. S 67°21'33" E 35.95 feet to a point for an angle point,

34. N 87°22'32" E 26.77 feet to a point for an angle point,
35. N 69°44'39" E 53.68 feet to a point for an angle point,
36. N 33°24'58" E 34.35 feet to a point for an angle point,
37. N 01°34'45" E 27.34 feet to a point for an angle point,
38. N 19°27'28" W 28.26 feet to a point for an angle point,
39. N 32°55'46" W 49.39 feet to a point for an angle point,
40. N 17°27'37" W 70.35 feet to a point for an angle point,
41. N 42°08'14" W 103.28 feet to a point for an angle point,
42. N 30°17'27" W 30.06 feet to a point for an angle point,
43. N 84°42'55" W 19.78 feet to a point for an angle point,
44. N 10°25'48" W 26.23 feet to a point for an angle point,
45. N 41°14'39" E 33.10 feet to a point for an angle point,
46. N 13°29'16" E 20.27 feet to a point for an angle point,
47. N 49°23'06" E 229.34 feet to a point for an angle point,
48. N 71°00'55" E 44.19 feet to a point for an angle point,
49. N 84°05'06" E 85.07 feet to a point for an angle point,

50. N 44°28'14" E 33.33 feet to a point for an angle point,
51. N 05°27'45" E 110.17 feet to a point for an angle point,
52. N 29°24'34" W 22.23 feet to a point for an angle point,
53. N 86°58'51" W 19.66 feet to a point for an angle point,
54. N 14°46'30" W 51.70 feet to a point for an angle point,
55. N 23°20'38" W 55.11 feet to a point for an angle point, and
56. N 35°23'36" W 48.70 feet to a point for the northwest corner of the Thornton 38.53 acre tract and this description;

THENCE leaving the San Marcos River with the northwest line of the Thornton tract and its extension N 45°24'40" E 617.01 feet to a ½" iron rod with an aluminum cap stamped "Byrn Survey" found for the south corner of that tract described as 0.7027 acres in a deed from Florence Allyn Bingham to the Clara Louise Cape Testamentary Trust dated July 18, 2003 and recorded in Volume 2268, Page 483 of the Hays County Official Public Records, for the east corner of that tract described as 0.833 acres and south corner of that tract described as 0.0411 acres in a deed from D2 Power Holdings, LLC, to Benjamin J. Kvanli and Michelle Clements dated March 24, 2005 and recorded in Volume 3597, Page 801 of the Hays County Official Public Records, pass at 161.99 feet a ½" iron rod with an aluminum cap stamped "Byrn Survey" found for the south corner of the Kvanli & Clements 0.833 acre tract;

THENCE leaving the Kvanli & Clements 0.833 acre tract with the southeast line of the Kvanli & Clements 0.0411 acre tract and the Cape 0.7027 acre tract, N 44°35'27" E 16.22 feet to a ½" iron rod with an aluminum cap stamped "Byrn Survey" found for the east corner of the Kvanli & Clements 0.0411 acre tract;

THENCE leaving the Thornton 38.53 acre tract crossing the Cape 0.7027 acre tract with the northeast line of the Kvanli & Clements 0.0411 acre tract, **N 46°00'46" W 112.16 feet** to a ½" iron rod with a plastic cap stamped "Byrn Survey" found in the southeast line of Interstate Highway No. 35 and that tract described as 2.017 acres in a deed from S. V. Bingham et ux to the State of Texas dated May 18, 1961 and recorded in Volume 186, Page 466 of the Hays County Deed Records for the north corner of the Kvanli & Clements 0.0411 acre tract;

THENCE leaving the Kvanli & Clements 0.0411 acre tract with the common northwest line of the Cape 0.7027 acre tract and southeast line of Interstate 35 and the State of Texas 2.017 acre tract, **N 46°32'59" E 276.43 feet** to a ½" iron rod found for the north corner of the Cape tract and this description, the west corner of that tract described as 0.342 acres in a deed from Ernest Valdez, Jr., & Bernadine Valdez to Gaspar Vences & Olga Vences dated May 10, 2006 and recorded in Volume 2920, Page 295 of the Hays County Official Public Records, and the south corner of that tract described as 0.118 acres in a deed from S. V. Bingham et ux to the State of Texas dated May 18, 1961 and recorded in Volume 186, Page 465 of the Hays County Deed Records;

THENCE leaving Interstate 35 and the State of Texas tracts with the common northeast line of the Cape 0.7027 acre tract and southwest line of the Vences 0.342 acre tract, **S 33°06'44" E 105.49 feet** to a ½" iron rod found in the northwest line of the previously mentioned City of San Marcos 0.69 acre tract for the east corner of the Cape 0.7027 acre tract and south corner of the Vences 0.342 acre tract;

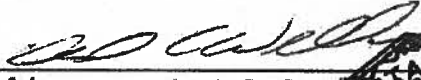
THENCE leaving the Vences 0.342 acre tract with the common southeast line of the Cape 0.7027 acre tract and northwest line of the City of San Marcos 0.69 acre tract, **S 44°48'24" W 166.96 feet** to a ½" iron rod with an aluminum cap stamped "Byrn Survey" found for the west corner of the City of San Marcos 0.69 acre tract and an exterior north corner of the Thornton 38.53 acre tract;

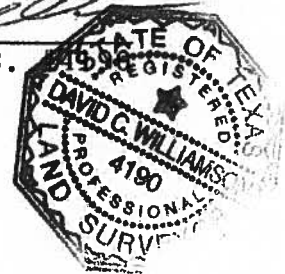
THENCE leaving the Cape 0.7027 acre tract with the common north line of the Thornton tract and southwest and southeast lines of the City of San Marcos 0.69 acre tract the following two courses:

1. S 19°20'11" E 111.26 feet to a ½" iron rod set for the south corner of the City of San Marcos 0.69 acre tract, and

2. N 45°19'50" E 282.53 feet to the PLACE OF BEGINNING.

There are contained within these metes and bounds 44.67 acres, more or less, as prepared from public records and a survey made on the ground in 2011 and on April 26, 2012 by Byrn & Associates, Inc., of San Marcos, Texas. All ½" iron rods set are capped with a plastic cap stamped "Byrn Survey". The bearing basis for this description is based on the Texas State Plane Coordinate System, South Central Zone, and refers to Grid North.


David C. Williamson, R.P.L.S.



Client: The Dovetail Development
Date: April 26, 2012
Survey: Veramendi No. 2, J. M., A-17
County: Hays, Texas
Job No.: 26582-12-6
FND44.67

Exhibit B: Concept Plan

FIRM REGISTRATION #3937

Duoet & Associates, Inc.
Suite E Highway 25 North, Suite 200, Austin, Texas 78728
Phone : (512) 663-0000 Fax : (512) 663-0001
www.duoetassociates.com
ALSO: 12-04 - Dallas Area - Construction Management

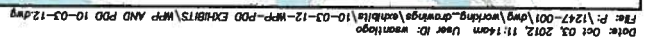


Exhibit C: Project Site Aerial

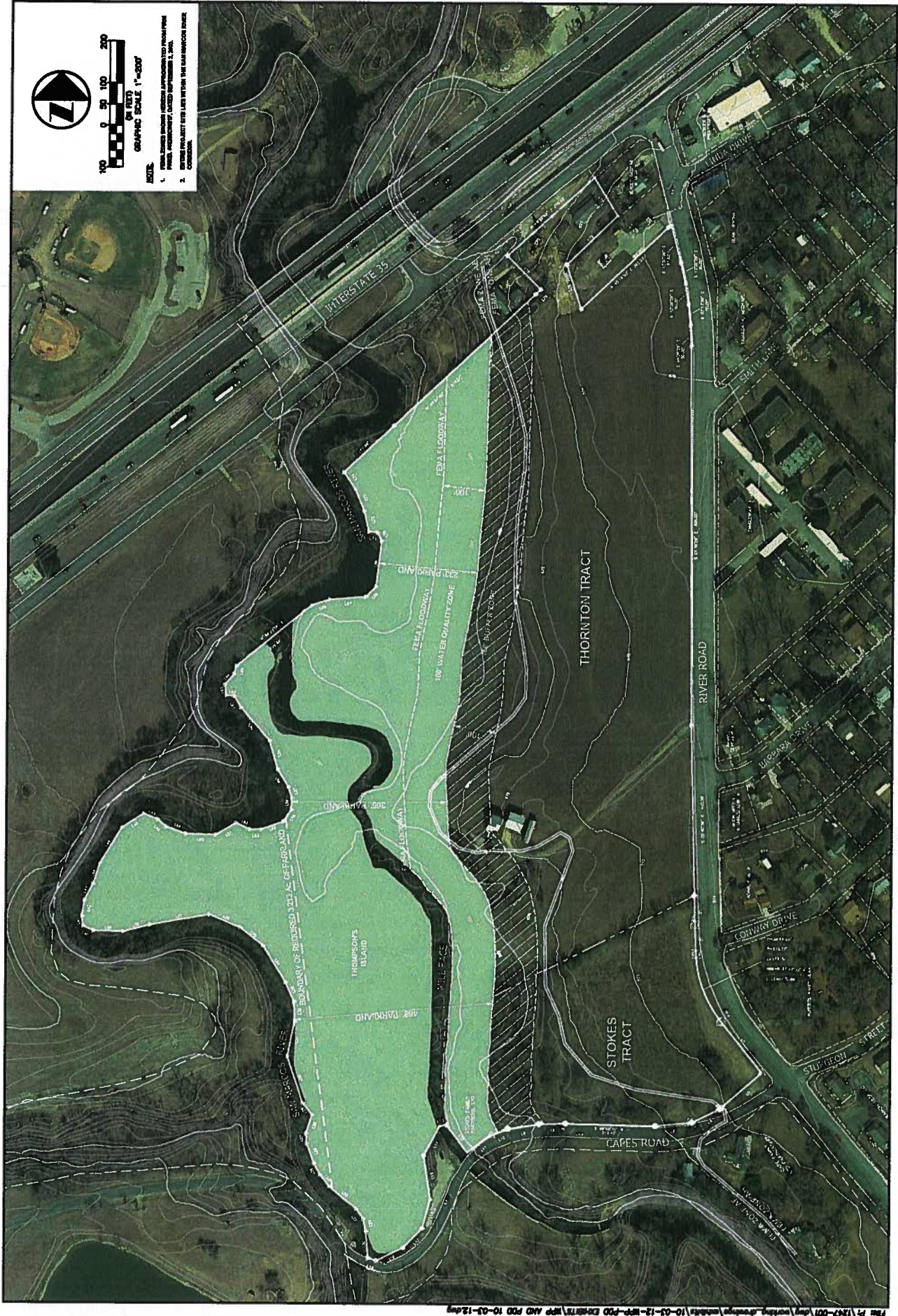


Exhibit D: Detailed Illustrative Conceptual Plan

DETAILED ILLUSTRATIVE
CONCEPTUAL PLAN

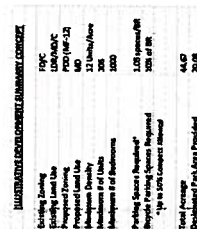
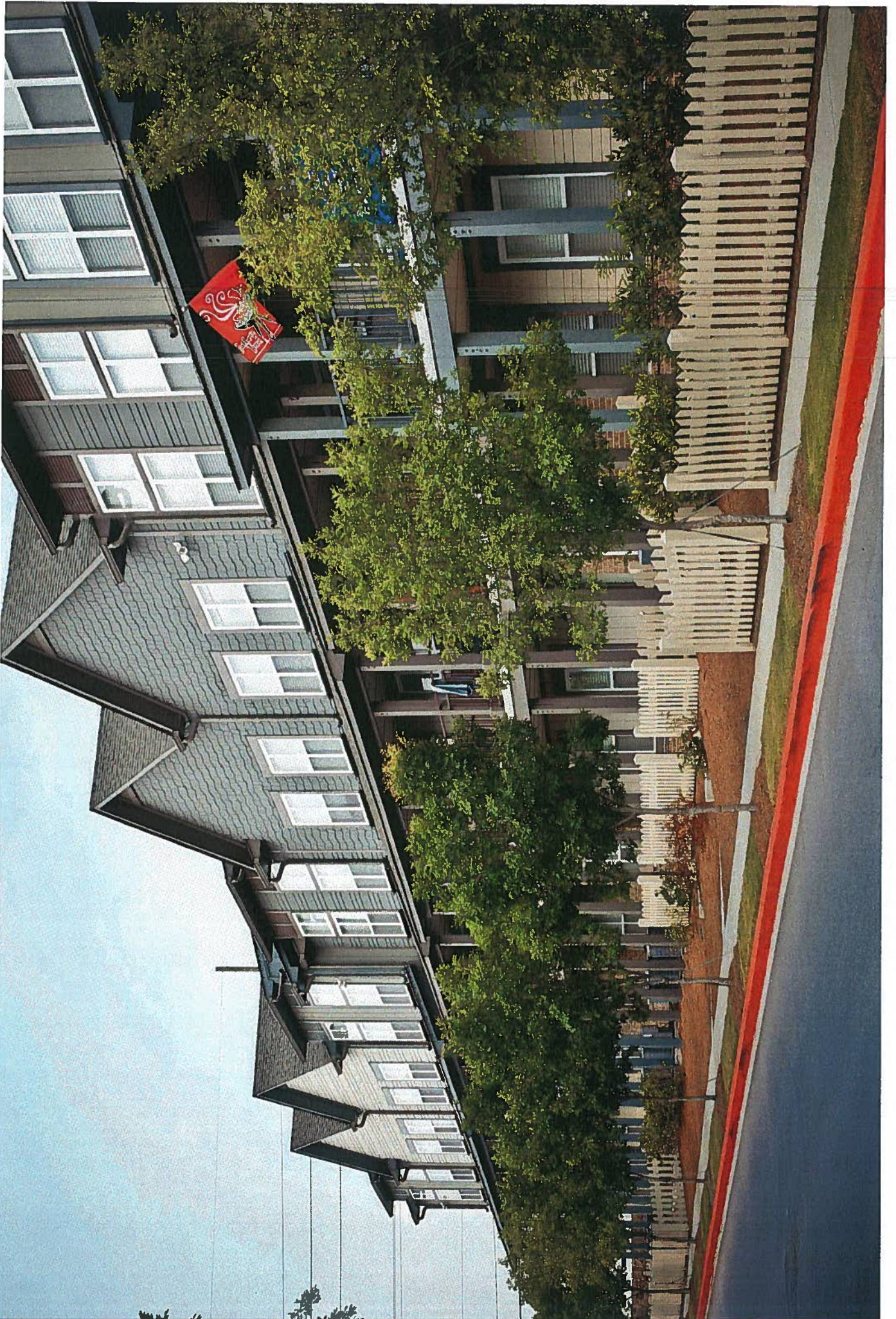
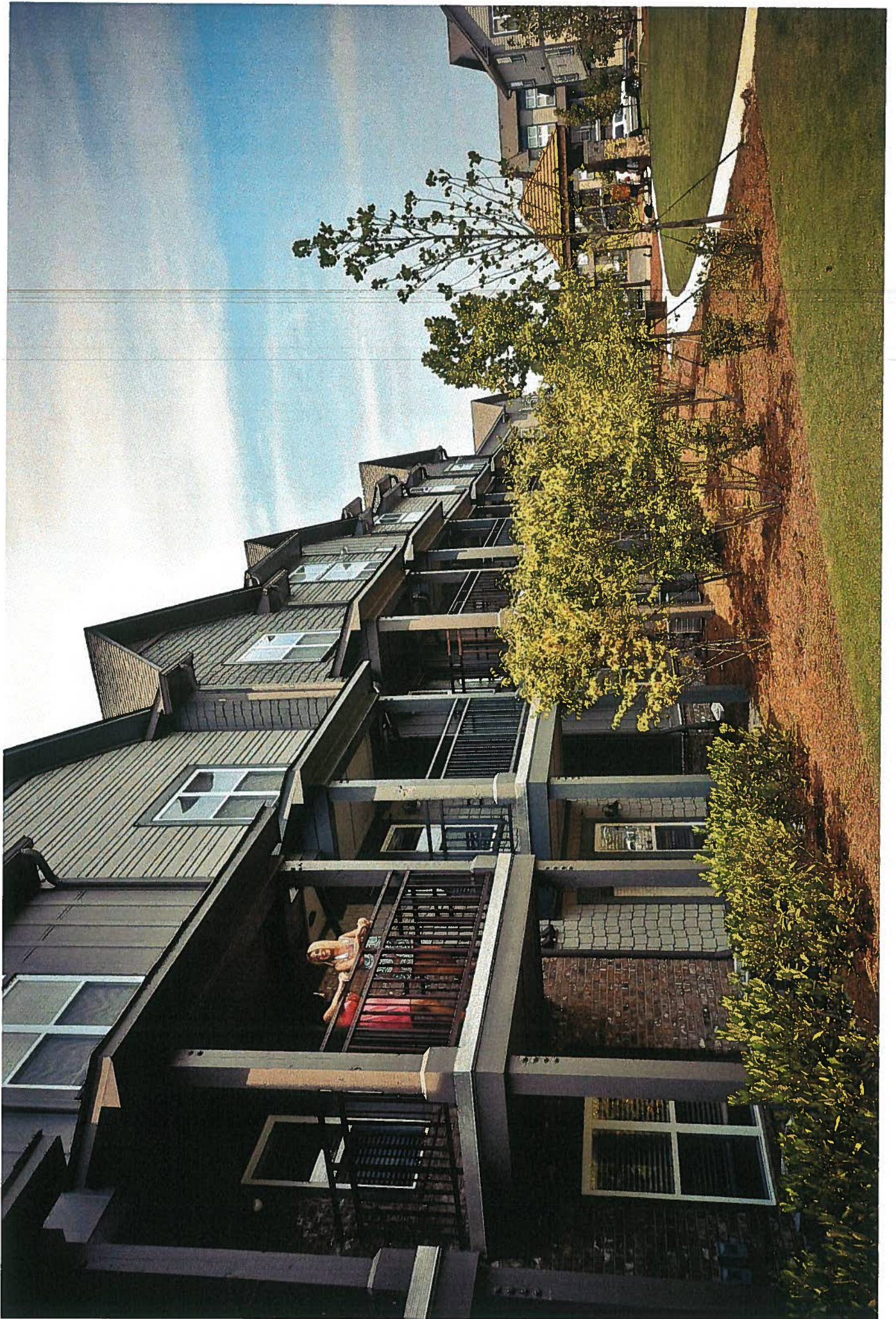
DA
DOUCET
& ASSOCIATES

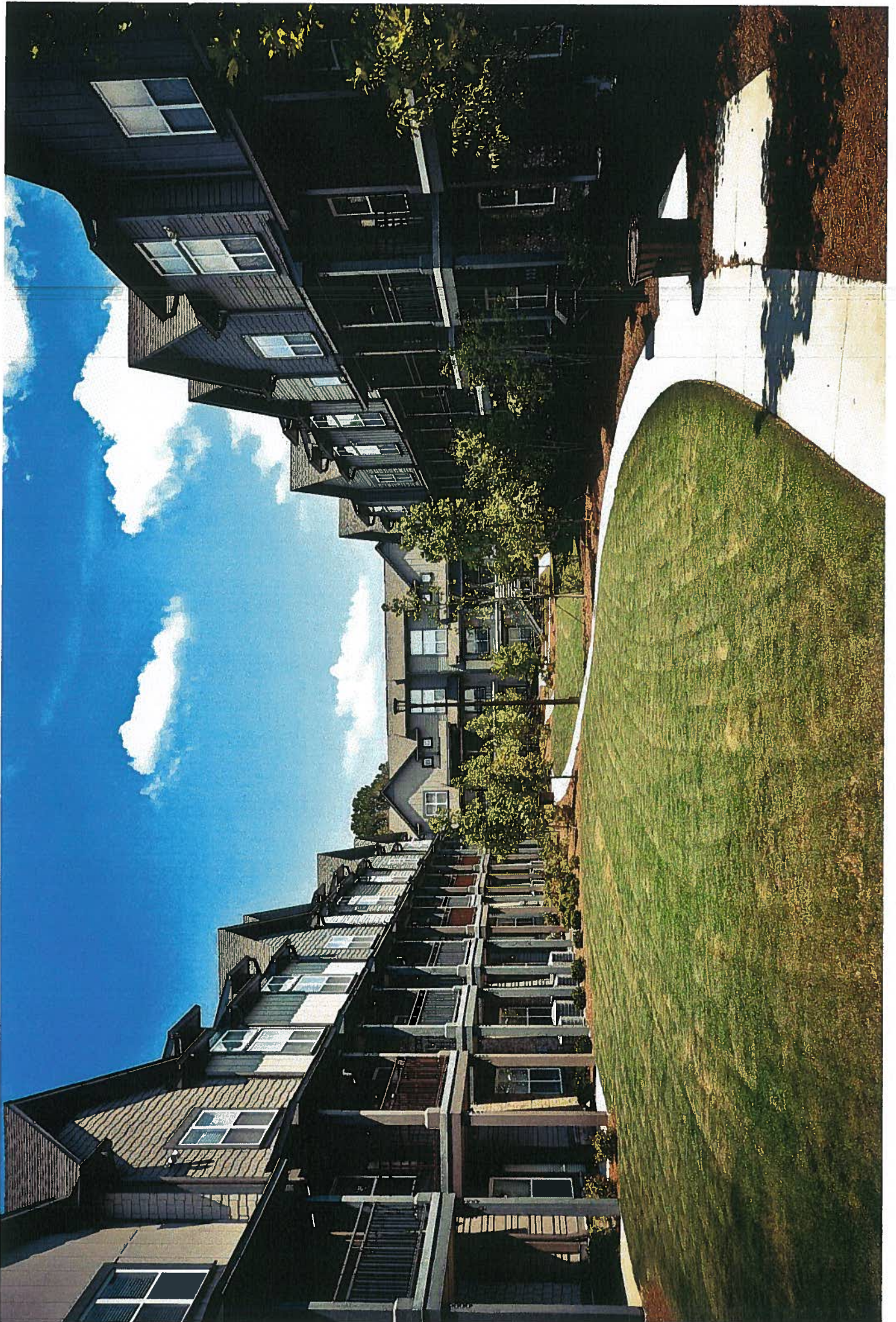
Exhibit E: Architectural Renderings & Elevations









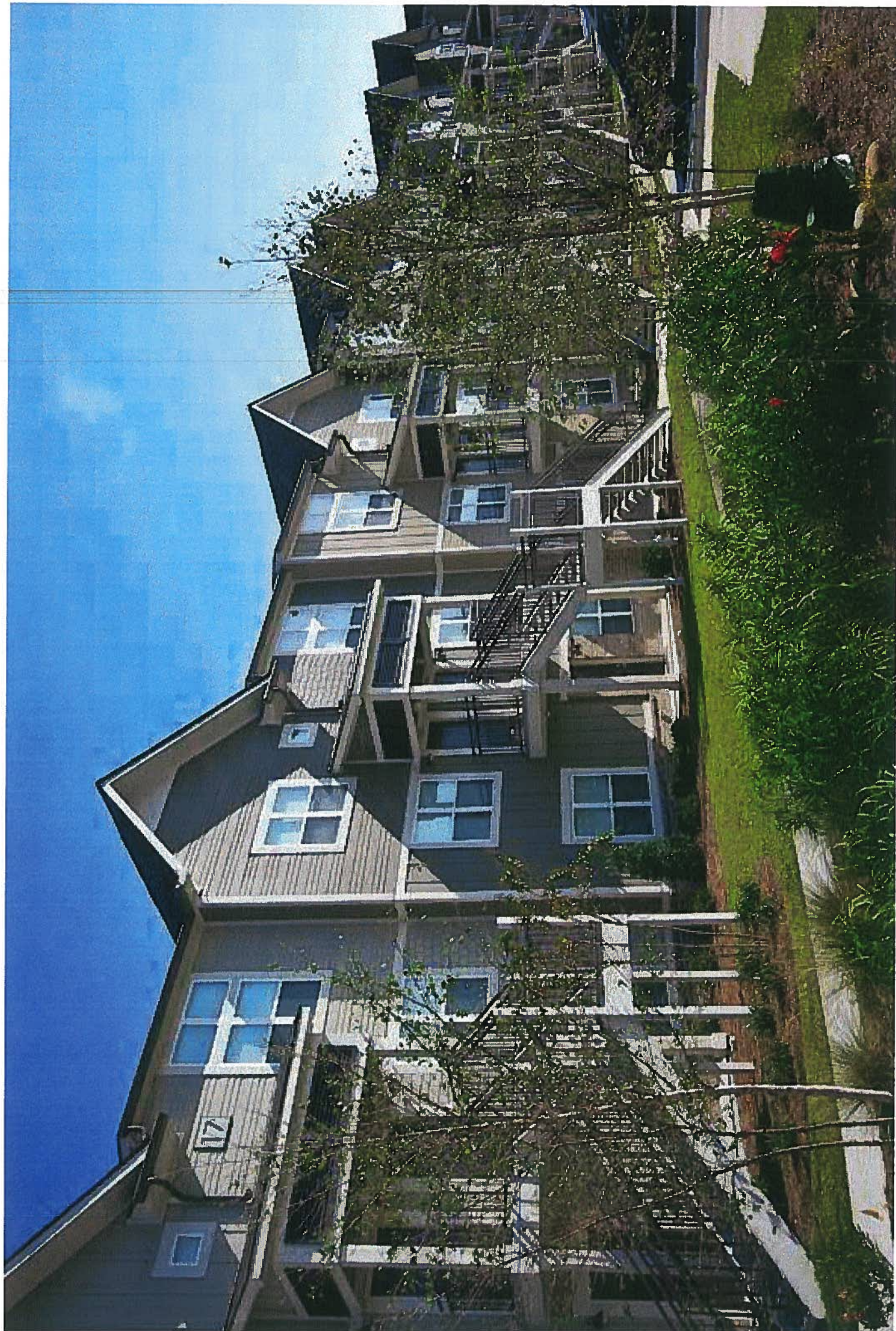
















A3.02

JOB NUMBER: 10000000
DRAWN BY: APH
CHECKED BY: DUM

This disclaimer, as an instrument of discharge and shall render the property of the Applicant and shall not be responsible. The disclaimer is used in any other the instrument of the Applicant.

REVISIONS	DATE	DESCRIPTION
		PERMIT SET 10/10/10

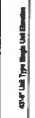
ELEVATION NOTES:

elevation 2 Rear Elevation

NOTE: TYPICAL VERTICAL DIMENSIONS MEASURED FROM FIRST FLOOR FINISHED FLOOR (TYPICAL)

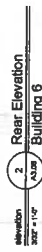
CONTRACTOR TO CORRECT FOR VARIATIONS IN FIRST FLOOR FINISHED FLOOR ELEVATIONS

SINGLE UNIT OF THREE WINDOWS AND NOT THREE SINGLE WINDOWS.
ALL TRANSOMS IN ELEVATION ARE TYPE 'C' WINDOW. REFER SHEET A7.01



A3.06

REVISIONS DATE	DESCRIPTION
PERMIT SET	10/18/2011



1. ALL COLORS 87 DYE. SEE BUILDING COLOR CHARTS & SCHEDULES.	
2. REFER UP. SHEETS FOR WINDOW, DOOR TYPES & LOCATIONS.	
	<p>ELEVATION KEY:</p> <p>1. 1/2" ROSE PREFINISHED GUTTER</p> <p>2. SHED DORMER W/ WINDOW</p> <p>3. SHED PT WOOD CLADDING</p> <p>4. STEEL PICKETS, 1 1/2" X 7" WIDTH</p> <p>5. ALUMINUM LOUVRES</p> <p>6. CORNER POST</p> <p>7. WATER TIGHT ROOM</p> <p>8. JALUET BAL. W/ STEEL PICKET</p> <p>9. SHED ROOF W/ BRACKET</p> <p>10. HARD PANEL</p> <p>11. VERT. CONTROL JOINT - BRICK</p> <p>12. FAUX VENT</p> <p>13. B.O.S. - BOTTOM OF SOFFIT</p> <p>14. T.O.P. - TOP OF</p>
	<p>ELEVATION KEY:</p> <p>1. COMPOSITE SHINGLES</p> <p>2. CEMENT FIBRE BD.</p> <p>3. SAMULATED SHADE SHINGLES</p> <p>4. CEMENT FIBRE BD. 1/2" THICK</p> <p>5. 4" LAP SIDING</p> <p>6. BRICK VENEER</p> <p>7. LOUVERED VENT</p> <p>8. ROANT 2x4 TRIM</p> <p>9. ROANT 2x6 TRIM</p> <p>10. ROANT 2x8 TRIM</p> <p>11. ROANT 2x12 TRIM</p> <p>12. ROANT 2x12 TRIM</p> <p>13. ROANT 2x12 TRIM</p> <p>14. CRICKET</p>

NOTE: TYPICAL VERTICAL DIMENSIONS MEASURED FROM FIRST FLOOR FINISHED FLOOR (TYPICAL). CONTRACTOR TO CORRECT FOR VARIATIONS IN FIRST FLOOR FINISHED FLOOR ELEVATIONS FOR ALL WINDOWS IN ELEVATION. WHERE 2 ADJACENT WINDOWS ARE SHOWN, THEY ARE A SINGLE UNIT OF TWO WINDOWS AND NOT TWO SINGLE WINDOWS. SIMILARLY, WHERE 3 ADJACENT WINDOWS ARE SHOWN, THEY ARE A SINGLE UNIT OF THREE WINDOWS AND NOT THREE SINGLE WINDOWS.

ALL TRANSOMS IN ELEVATION ARE TYPE "C" WINDOW. REFER SHEET A7.01

